

Bugle Nurseries, Upper Halliford Road, Shepperton (19/01022/OUT)

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Planning Committee

13 November 2019



Application No.	19/01022/OUT		
Site Address	Bugle Nurseries, Upper Halliford Road, Shepperton, TW17 8SN		
Applicant	Angle Property (RLP Shepperton) LLP		
Proposal	Outline application with all matters reserved other than 'access' for the demolition of existing buildings and structures and the redevelopment of the site for a residential-led development comprising up to 43 residential homes, a 62-bed care home and the provision of open space, plus associated works for landscaping, parking areas, pedestrian, cycle and vehicular routes.		
Officers	Paul Tomson/Kelly Walker		
Ward	Halliford and Sunbury West		
Call in details	N/A		
Application Dates	Valid: 24/07/2019	Expiry: 23/10/2019	Target: Extension of time agreed
Executive Summary	<p>This planning application proposes the demolition of existing buildings and structures and the redevelopment of the site for a residential-led development comprising up to 43 residential homes, a 62-bed care home, provision of open space, and other associated works.</p> <p>The site is located within the Green Belt. The proposed development constitutes '<i>inappropriate development</i>' in the Green Belt and will cause an unacceptable loss of openness. It is noted that the proposal will result in the removal of the existing industrial uses and waste transfer station, and the associated noise and disturbance that they cause. It will provide new housing including a significant proportion of affordable housing. However, it is not considered the benefits of the scheme will clearly outweigh the substantial harm to the Green Belt. Consequently, there are no '<i>very special circumstances</i>' to justify the development in the Green Belt.</p> <p>Whilst the current scheme represents an improvement compared with the last refused application 18/00591/OUT (e.g. reduction in the number of dwellings from 57 to 43 and a reduction in the number of bedrooms at the care home from 72 to 62), it is not considered that the applicant has overcome the previous Green Belt reason for refusal. The other reasons for refusal relating to amenity space, dwelling mix and ecology have been overcome in the current application.</p>		

Recommended Decision	The application is recommended for refusal.
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MAIN REPORT

1. Development Plan

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

- SP1 (Location of Development)
- LO1 (Flooding)
- SP2 (Housing Provision)
- HO1 (Providing for New Housing Development)
- HO3 (Affordable Housing)
- HO4 (Housing Size and Type)
- HO5 (Housing Density)
- CO3 (Provision of Open Space for New Development)
- SP6 (Maintaining and Improving the Environment)
- EN1 (Design of New Development)
- EN3 (Air Quality)
- EN7 (Tree Protection)
- EN8 (Protecting and Improving the Landscape and Biodiversity)
- EN15 (Development on Land Affected by Contamination)
- SP7 (Climate Change and Transport)
- CC1 (Renewable Energy, Energy Conservation and Sustainable Construction)
- CC2 (Sustainable Travel)
- CC3 (Parking Provision)

1.2 It is also considered that the following Saved Local Plan policies are relevant to this proposal:

- GB1 (Green Belt)
- BE26 (Archaeology)

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

- SPD on Design of Residential Extensions and New Residential Development 2011

- SPG on Parking Standards Updated 2011
- SPD on Housing Size and Type 2012.

1.4 The advice contained within the National Planning Policy Framework (NPPF) 2019 is also relevant.

2. Relevant Planning History

C/80/702	Residential development at a density of 19.35 units per acres (47.82 units per hectare).	Refused 14.01.1981 Appeal Dismissed 16.12.1981
01/00816/FUL	Demolition of existing bungalow and erection of detached bungalow.	Approved 15.12.2001
11/00101/CLD	Certificate of lawfulness for the retention of site buildings and hardstanding, together with the commercial uses of the land and buildings, comprising a mix of parking and storage of motor vehicles, vehicle bodies and containers, industrial/workshop purposes with ancillary storage, general storage purposes, offices with ancillary storage, and use of hardstanding for access and parking.	Refused 01.10.2013
12/01060/SCC	Surrey County Council consultation for a certificate of lawfulness to use 0.91 hectares of land at Bugle Nurseries for importation, deposit and sorting of waste materials comprising soil, hardcore, concrete and timber together with the export of such processed materials.	No Objection 18.09.2012
15/01528/FUL	Alterations to existing access onto Upper Halliford Road.	Refused 21.01.2016 Appeal Dismissed 06.01.2017
16/00320/FUL	Proposed six month temporary planning application extension for the retention of a 30m high mast with associated equipment.	Approved 20.04.2016
16/01982/FUL	Temporary permission for the retention of a 30m high mast with associated equipment.	Approved 09.02.2017
18/00591/OUT	Outline application with all matters reserved other than 'Access' for the demolition of	Refused 30/07/2018

existing buildings and structures and the redevelopment of the site for a residential led development including comprising up to 57 residential homes and a 72 bed care home plus associated works for landscaping, parking areas, pedestrian, cycle and vehicular routes.

18/01561/OUT	Outline application with all matters reserved other than 'Access' for the demolition of the existing buildings and structures and the redevelopment of the site for a residential-led development comprising up to 51 residential homes, a 72-bed care home and the provision of open space, plus associated works for landscaping, parking areas, pedestrian, cycle and vehicular routes.	Withdrawn 05/02/2019
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2.1 With regard planning application C/80/702, this proposal involved the creation of a new residential development on the whole of the Bugle Nurseries site, including the land to the west of the current application site, comprising 243 dwellings. The application was refused for the following reasons:

1. The proposed development conflicts with the policies for the Preservation of the Metropolitan Green Belt.
2. The proposal would result in the coalescence of settlements, and encourage further such a process in this locality.
3. The proposal is unacceptable as it would result in the loss of very good quality agricultural land, and if allowed, could lead to further similar applications for development on other land.
4. In any event the proposal is premature pending the completion of a Housing Land Availability Study in connection with Structure Plan requirements for Housing for this Borough.

In the subsequent appeal, the Inspector agreed with the Council's reasons for refusal and consequently dismissed the appeal.

2.2 With regard to planning application 15/01528/FUL for alterations to the existing access road onto Upper Halliford Road, this was refused on the grounds that the development would constitute inappropriate development in the Green Belt for which no very special circumstances had been demonstrated. The subsequent appeal was dismissed for this reason.

2.3 With regard to planning 18/00591/OUT, this was refused for 4 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 a more 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, to prevent neighbouring towns merging together; 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 2018.

- 2) The proposal fails to provide an adequate provision of smaller sized dwellings (one or two bedroom units) for which there is a need within the Borough. It is therefore contrary to Policy HO4 of the Council's Core Strategy and Policies DPD 2009 and the Supplementary Planning Document on Housing Size, Type 2012.
- 3) The applicant has failed to demonstrate to the satisfaction of the Local Planning Authority that there is an acceptable level of amenity space for the occupants of the proposed block of flats to the detriment of the amenity of the future occupants, contrary to Policy EN1 of the Council's Core Strategy and Policies DPD 2009 and the Supplementary Planning Document on Design of Residential Extensions and New Residential Development 2011.
- 4) The applicant has failed to demonstrate with the submitted bat surveys, the extent to which bats may be affected by the proposed development. It is not therefore possible to ascertain the full impact of the proposal on bats which are protected species. The proposal is therefore contrary to Circular 06/2005, Policy EN8 of the Council's Core Strategy and Policies DPD 2009 and National Planning Policy Framework 2018.

- 2.4 The most recent planning application ref 18/01561/OUT was an amended scheme to try to address the previous reasons for refusal (on 18/00591/OUT). However it was withdrawn by the applicant before it was considered by the Planning Committee. The report was written with an officer recommendation to refuse for being contrary to Green Belt policy.

3. Description of Current Proposal

- 3.1 This planning application is a revision to the previous refused scheme, reference 18/00591/OUT. It is an outline proposal with all matters reserved other than 'Access' for the demolition of existing buildings and structures and the redevelopment of the site for a residential led development comprising up to 43 residential homes, a 62-bed care home and the provision of open space, plus associated works for landscaping, parking areas, pedestrian, cycle and vehicular routes. The application differs from the previously refused scheme firstly by:

1. providing a much enlarged site area outlined in red which includes the area of land to the west with the waste transfer station located upon it,
2. a reduction in the number of residential units by 14 (from 57 to 43), and
3. a reduction in the number of bedrooms in the care home by 10.

- 3.2 The application site comprises an area of 4.84 ha (compared with the previous scheme which had an area of 2.05 ha) and is located to the west of Upper Halliford Road. The site comprises open fields with paddocks, a residential bungalow and its garden, old nursery structures and other buildings and hardstanding in commercial use, including parking and access roads. The application includes the land to the west up to the railway line, which currently has a waste transfer station located on it in this area and a large bund on the western boundary with the railway. The applicant has provided details of earth works and landscaping to provide an open area accessible to the public. The submitted plans also show a pedestrian crossing on Upper Halliford Road.
- 3.3 Currently, the site consists of shrubs and trees lining Upper Halliford Road and the remains of old nursery buildings/poly-tunnels to the front of the site. There is an Oak tree in the north eastern corner of the site which has a Tree Preservation Order on it. There is an access road located centrally from Upper Halliford Road into the site and also one on the northern boundary. There is a detached bungalow on its own large plot surrounded by a garden and outbuildings. Centrally within the application site are areas of hardstanding and a number of buildings (accessed via the road) which have been used as various commercial uses over recent years, with parking of many commercial vehicles. Further to the north is open grass land with paddocks and a number of trees both individual and in groups.
- 3.4 The site is located within the Green Belt.

Surrounding area

- 3.5 Immediately to the south east of the site are residential properties positioned at right angles within Halliford Close, whose rear gardens adjoin the application site. Further to the west, the garages of properties at Bramble Close and allotments adjoin the application site to the south. Directly to the north of the site is a public footpath and the site of the former Bugle Public House which has recently been rebuilt as a block of 8 apartments. Further to the north are other dwellings fronting Upper Halliford Road, with open grass land behind and a large fishing lake to the north west of the site. Most of the existing dwellings are relatively small in scale and are mostly 2 storey and have gaps in the street scene between the built form providing views of the open land behind.
- 3.6 To the north-east, on the other side of Upper Halliford Road is Halliford Park, which comprises open grass land and mature trees. It also has a play area, and a car park.
- 3.7 There are many trees within the site, mostly close to the boundaries. The Council has previously issued a Tree Preservation Order on an Oak tree located in the north-eastern corner of the site.

Proposal

- 3.8 The proposal is for the demolition of all existing buildings on site, including the commercial buildings and the bungalow. The applicant is seeking permission for only the means of access as part of this outline application. However a set

of indicative plans have been submitted showing details of the proposal including the layout, scale and design of the buildings as well as the proposed parking provision and landscaping.

- 3.9 The Town and Country Planning (Development Management Procedure) Order 2015 provides a definition of “access” in relation to reserved matters associated with outline planning applications:-
‘...the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network...’.
- 3.10 As such the proposal shows the access and layout of the proposed roads on the site, which are to be assessed at this Outline stage. In addition, indicative plans show the layout, scale and design of the buildings, including 43 dwellings comprising 14 no. 1 bed flats, 19 no. 2 bed flats, 4 no. 2 bed houses and 6 no. 3 bed houses, together with a 62 bed care home.
- 3.11 There will also be a play area which will be accessible by residents of the proposed scheme.
- 3.12 The indicative plans show that a total of 87 parking spaces will be provided. 27 parking spaces are provided for the care home and each of the houses have parking to the front/side with some garages. Parking for the 2 blocks of apartments appears to be located to the south of the eastern block at the front of the site. The proposal also includes areas of landscaping, refuse and cycling parking facilities. Some of the existing trees on site appear to be removed/affected by the proposal.
- 3.13 The application also includes the land to the west up to the railway line and the proposal includes details of earth works and landscaping to provide an open area accessible to the public.
- 3.14 The proposed indicative site layout is provided as an Appendix.

Residential

- 3.15 A total of 43 dwellings and a 62 bed care home are shown to be provided comprising, 14 no. 1 bed flats, 19 no. 2 bed flats, 4 no. 2 bed houses and 6 no. 3 bed houses, together with a 62 bed care home. The proposed mix and tenure of the dwellings is as follows:

	PRIVATE	AFFORDABLE	TOTAL
One bed	7	7	14
Two beds	12	11	23
Three beds	3	3	6
Total	22	21	43

4 Consultations

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

Consultee	Comment
County Highway Authority	No objection. Recommend conditions
Environment Agency	No comments
Group Head- Neighbourhood Services	No objection
Surrey County Council (Minerals and Waste)	No objection
Sustainability Officer	Raises concerns as the proposal currently no details have been submitted to show how the 10% renewable energy requirement will be met. Further details required.
Local Lead Flood Authority (Surrey County Council)	No comments received but previously raised no objection subject to conditions.
County Archaeologist	No objection. Recommends a condition.
Crime Prevention Officer	No comments received but previously raised no objection
Countryside Access Officer (Surrey County Council)	No comments received
Natural England	No comments
Surrey Wildlife Trust	No objection subject to mitigation measures set out in the ecological reports being carried out.
Network Rail	No comments received
Tree Officer	No objection
Thames Water	No objection
National Grid	No comments
Environmental Health (Contaminated land)	No objection subject to conditions
Environmental Health (Air Quality)	No objection subject to conditions

5. Public Consultation

- 5.1 57 properties were notified of the planning application. Furthermore, a statutory site notice was displayed and the application was advertised in the local press. 11 petition-style cards ticked to say they support the application have been received with no reasons given. An additional 19 petition-style cards have been received providing reasons why they support the application and two more have reasons to object to the scheme. In addition two letters

have been received in support of the application, including one from Shepperton Residents Association and two against.

5.2 Reasons for objecting include:-

- many of the uses at the site are unlawful and should not provide any weight for supporting the scheme
- rats will be displaced and affect existing properties
- impact on local facilities such as schools and doctors
- noise and disturbance from construction plant during the development
- it is difficult to pull out of side roads onto the Upper Halliford Road already, traffic will only get worse with this development.
- impact on wildlife
- do not need another pedestrian crossing as proposed
- no parking for public open space and fenced off
- insufficient parking for visitors and care home workers

5.3 Reasons for supporting include:-

- benefit to the community to provide access to an otherwise not accessible contaminated site
- proposal would enhance the area - Currently an eyesore
- site appears as a brownfield site already
- anything would be better than current situation, rodents, eyesore unkempt and encroaching on garden.
- care home very much needed for aging population.
- housing is much needed in the area, especially affordable
- currently the site is an abuse of the Green Belt and should not have been allowed (light industrial uses)
- applicants have tried to address reason for refusal by making land to the rear public.
- benefits outweigh the harm to the Green Belt.
- much needed jobs
- noise from yard summer time not peaceful.
- good design set back from the road
- Heavy traffic noise and pollution for current use
- Mud and litter on roads currently

In addition, the applicants note in their Statement of Community Involvement that they have carried out pre-application consultations.

6. Planning Issues

- Principle of the development
- Need for housing
- Green Belt
- Housing density
- Design and appearance
- Residential amenity
- Highway issues
- Parking provision
- Affordable housing

- Dwelling mix
- Flooding
- Ecology
- Open space
- Loss of trees
- Archaeology
- Air quality

7. Planning Considerations

Background

- 7.1 In 2017, the applicant made a formal request to the Council's Strategic Planning section for the entire Bugle Nurseries site to be allocated for housing in the proposed new Local Plan (in response to the Council's "Call for Sites" exercise). The applicant submitted two separate plans to illustrate the development potential of the site. The first plan showed a scheme similar to the 2018 refused application (18/00591/OUT) with the new housing and care home located towards the eastern side of the site. The second plan showed a larger scheme covering the whole of the Bugle Nurseries site comprising 116 dwellings and a care home. The area is classified as 'strongly performing' in the Council's recent Borough-wide Green Belt Assessment 2017 Stage 1 and therefore the site was considered unsuitable for development. As such the site has been included within the Council's updated Strategic Land Available Assessment (SLAA) as 'not developable' (see Need for Housing below). It is relevant to note that the site has also been considered unsuitable for development in the recently published Green Belt Assessment Stage 2. The Assessment states that the Sub-Area 396 (which covers the site) plays a fundamental role with respect to the wider Green Belt Local Area, and its release would harm the performance and integrity of the wider strategic Green Belt.
- 7.2 At the time of writing this report, the Council had just published its 'Preferred Options Consultation' (Regulation 18) as part of its preparation for a new Local Plan for the Borough. Whilst the Preferred Options Consultation Document proposes a number of sites within the Borough to be allocated for housing and employment development (including some sites currently located within the Green Belt), the site at Bugle Nurseries has not been put forward as one of these proposed site allocations. Indeed, the site is referred to in the Council's 'Rejected Site Allocations – Officer Site Assessment document 2019. It states that the site being part of a wider area of strongly performing Green Belt is considered to outweigh the opportunity to meet housing needs on the basis that development could weaken the wider strategic Green Belt. Consequently, the site was not taken forward for further consideration.

Need for housing

- 7.3 When considering planning applications for housing, local planning authorities should have regard to the government's requirement that they boost significantly the supply of housing, and meet the full objectively assessed need for market and affordable housing in their housing area so far as is consistent policies set out in the National Planning Policy Framework (NPPF).

- 7.4 The Council has embarked on a review of its Local Plan and accepts that the housing target in its Core Strategy and Policies DPD-Feb 2009 of 166 dwellings per annum is significantly short of its latest objectively assessed need of 552-757 dwellings per annum (Para 10.42 – Strategic Housing Market Assessment (SHMA) – Runnymede and Spelthorne – Nov 2015). On 20th February 2019, the government updated its guidance in respect of Housing and Economic needs assessment which included proposals for a standard method for calculating local authorities' housing need. A figure of 590 dwellings per annum for Spelthorne was proposed by the application of this new approach. This figure of 590 based on the 2014 household formation projections has also been suggested by the Government in its latest consultation (Oct – Dec 2018). Following recent analysis, the figure has been revised to 603. Despite recent uncertainties, the standard methodology provides the most recent calculation of local housing need in the Borough and is consistent with the range of need identified by the Council in their SHMA. It is therefore appropriate for the Council to use the 603 dwellings per annum figure as their local housing need figure that comprises the basis for calculating the five-year supply of deliverable sites.
- 7.5 The sites identified in the Strategic Land Availability Assessment (SLAA) as being deliverable within the first five years have been used as the basis for a revised 5-year housing land supply figure. Whilst this has shown that notionally we have identified sufficient sites to demonstrate that we have a five year supply of housing sites we have recently been advised that we need to apply an additional 20% buffer rather than the previously used 5%. This is because Government guidance (NPPF para 74) requires the application of a 20% buffer "where there has been significant under delivery of housing over the previous three years". It therefore has no choice now but to apply the additional buffer for the five year period from 1 April 2019 to 31 March 2024. A 20% buffer applied to 603 results in a figure of 724 dwellings per annum which is our current figures. The effect of this increased requirement is that the identified sites only represent a 4.4 year supply and accordingly the Council cannot at present demonstrate a five year supply of deliverable housing sites.
- 7.6 In using the new objectively assessed need figure of 724 as the starting point for the calculation of a five year supply it must be borne in mind that this does not represent a target as it is based on unconstrained need. Through the Local Plan review, the Borough's housing supply will be assessed in light of the Borough's constraints, which will be used to consider options for meeting need. The Council has now published its SLAA which identifies potential sites for future housing development over the plan period.
- 7.7 As a result, current decisions on planning applications for housing development need to be based on the 'tilted balance' approach set out in paragraph 11 of the NPPF (2019). This requires that planning permission should be granted unless *'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole'*.
- 7.8 It is important to note that the NPPF confirms that the "tilted balance" approach should not be applied to protected areas such as land designated

as Green Belt, Local Green Spaces, Areas of Outstanding Natural Beauty, etc. As the Bugle Nurseries site is located within the Green Belt, and there are clear reasons for refusing the planning application on Green Belt grounds, it is considered that the "tilted balance" approach is not applicable in this particular case.

- 7.9 It should also be noted that The Housing Delivery Test Result for Spelthorne Borough Council was published by the Secretary of State in February 2019, with a score of 63 percent. This means that the Council had undelivered housing delivery when assessed against need in previous years and as a result the Council have produced a Housing Delivery Test Action Plan to positively respond to the challenge of increasing its housing delivery. The Action Plan analyses and sets out actions to improve housing delivery within the Borough.
- 7.10 Taking into account the above and adopted policy HO1, which encourages new housing development in urban sites for additional housing to meet our Borough's needs, it is not considered that this is a sustainable form of development and it is not in the urban area, (it is a Green Belt site) with only part of the scheme being previously developed land. As such the scheme is an unacceptable form of development. New housing should be provided in the urban area, on sustainable sites, which have been previously used, not on Green Belt sites such as this. If approved this would set a precedence for other Green Belt sites to be developed for housing in the borough.
- 7.11 Policy HO1 relates to providing for new housing development and sets out ways in which Spelthorne will meet this need. Para 6.11 states that, '*...The policy defines a range of measures including the promotion of specific sites through Allocations DPDs, producing planning briefs, encouraging housing generally on suitable sites, including mixed use scheme, using poorly located employment land, using land effectively and resisting the loss of housing.*' Policy HO2 goes on to note that there is no contingency to release Green Belt land for housing, and notes a reason for this is because it is against national Green Belt policy which expects Green Belts to be permanent. Policy HO2 does go on to suggest that should housing need change, then Green Belt release may need to be considered and further assessed.

Principle of the development

- 7.13 As noted above, Policy HO1 of the Local Plan is concerned with new housing development in the Borough. HO1 (c) encourages housing development on all sustainable sites, taking into account policy objectives and HO1 (g) states that this should be done by:

"Ensuring effective use is made of urban land for housing by applying Policy HO5 on density of development and opposing proposals that would impede development of suitable sites for housing."

- 7.14 This is also reflected in the NPPF paragraph 117 which emphasises the need for the effective use of land in meeting the need for homes, whilst safeguarding the environment. However the site is in the Green Belt and is not urban land or considered to be sustainable development. Therefore the

principle of housing at this Green Belt site is considered to be unacceptable, which is discussed further below.

Green Belt

- 7.15 The site is located 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.
- 7.16 Paragraph 134 of the NPPF sets out the five purposes of the Green Belt. These are:
- *To check the unrestricted sprawl of large built-up areas;*
 - *To prevent neighbouring towns merging into one another;*
 - *To assist in safeguarding the countryside from encroachment;*
 - *To preserve the setting and special character of historic towns; and*
 - *To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*
- 7.17 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.

Inappropriate Development

- 7.18 It is considered that the proposed dwellings, care home, roadways and other associated works constitute "inappropriate development" in the Green Belt. The proposal does not fit into any of the exceptions stipulated in Paragraphs 145 (including sub-paragraph 145(g) – see below) and 146 of the NPPF.
- 7.19 It is recognised that part of the existing site comprises the industrial estate, and that Paragraph 145(g) states that the partial or complete redevelopment of previously developed sites (brownfield land), which would not have a greater impact on the openness of the Green Belt than the existing development (or not cause substantial harm to the openness of the Green Belt if the proposal meets an identified local affordable housing need) does not constitute 'inappropriate development', as set out below: -

“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*
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified local affordable housing need within the area of the local planning authority.”*

7.20 A definition of “*previously developed land*” is provided in the NPPF. It defines it as:

“Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure.”

It is important to note that whilst the part of the site comprising the industrial estate is ‘*previously developed land*’, this does not mean it is acceptable to redevelop the whole of the industrial estate land with new housing (or even affordable housing). There is still the requirement for the new housing development to have no greater impact on the openness of the Green Belt compared to the existing development (or not cause substantial harm to the openness of the Green Belt in the case of affordable housing). Part of the existing industrial estate comprises relatively small single storey buildings. Other parts of the industrial estate do not comprise buildings (only hardstanding and parked vehicles). Case law has established that the concept of “openness” is open-textured (e.g. not narrowly limited to the volume of buildings) and a number of factors are capable of being relevant when it comes to applying it to the particular facts of a specific case. In the current application, it is considered that replacing the single storey buildings, hardstanding and parked vehicles with the buildings up to approximately 10 metres in height across the whole of the industrial estate land would cause substantial harm to the openness of the Green Belt. Indeed, there would be clear difference between the proposed permanent physical structures in the form of houses/flats and a care home, compared to the shifting body of vehicles (including lorries as well as storage of materials) that currently exist on large parts of the site. Accordingly, it is not considered that the proposed redevelopment of the industrial estate land would fit into the Green Belt exception in paragraph 145(g) of the NPPF above. The redevelopment of the “*previously developed land*” part of the site would therefore constitute “inappropriate development” in the Green Belt.

7.21 With regard to the other parts of the site, part of the proposed eastern apartment block (approximately 4 units) will be erected on the existing green space located at the front of the site (south of the access road). Part of its associated car park (and its communal garden area) will be sited on the same green space. The whole of the care home car park will be sited within the curtilage of the existing bungalow of 171 Upper Halliford Road. The NPPF states that private residential gardens are excluded from the definition of

'previously developed land'. In any case, (as mentioned above) the remaining dwellings and the care home building to be sited on the existing industrial estate are substantially greater in height and scale compared to the existing industrial buildings, hardstanding and parked vehicles. Consequently the proposal will have a harmful loss of openness in the Green Belt (this is explained in more detail in the following paragraphs).

- 7.22 With regard to Paragraph 146 of the NPPF, this does state that *'engineering operations'* can be considered as *'not inappropriate'* development in the Green Belt, provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt. However, substantial parts of the proposed parking areas (which are engineering operations) will be located on the existing green spaces and are considered not to preserve the openness of the Green Belt (they also conflict with the purposes of the Green Belt). Moreover, the proposed parking areas (and access road) are required in connection with the overall housing and care home development, which is inappropriate development in the Green Belt. Consequently, these particular elements do not fit into the exceptions set out in Paragraph 146 of the NPPF.

- 7.23 Paragraph 143 of the NPPF states that:

"Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances."

- 7.24 Paragraph 144 of the NPPF states that:

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

Harm

- 7.25 The proposal will result in a substantial loss of openness of the Green Belt. With regard to the front part of the site to the south of the access road, this piece of land is essentially free of development and laid with vegetation. The front part of the affordable block will be erected on this land. A substantial part of the proposed car park serving this particular block will also be sited on this part of the site. Moreover, the proposed communal amenity space for these flats and the play area will be located in this area of the site. These particular elements will clearly diminish the openness of the Green Belt and create a strong urban character. With regard, to the area occupied by the current bungalow, this area of land will be replaced with the car park of the care home. Replacing the modest bungalow and its garden with hard-surfacing and parked cars will lead to a substantial loss of openness. Whilst the proposed care home building will be located within the area of the existing industrial estate, this part of the existing site comprises hardstanding but no buildings. Replacing the existing hardstanding with the care home will also result in a substantial loss of openness. As mentioned above, large areas of the industrial estate are not covered by buildings (only hardstanding and

vehicles). The definition of “*previously developed land*” is land which is or was occupied by a permanent structure (including the curtilage of the developed land), although it should not be assumed that the whole of the curtilage should be developed. Replacing the hardstanding and parked vehicles with new buildings up to 10 metres in height will clearly lead to a much greater loss of openness, both spatially and visually.

- 7.26 Below is a table setting out the existing and proposed footprint, floorspace and height figures of the buildings on the site. The table also provides the percentage increase between the existing buildings and proposed scheme. It is recognised that this is an outline application and full details of the proposed floor areas have not been provided at this stage. The floorspace figures in the table below are based on the figures provided by the applicant and on the assumption that the proposed buildings will comprise two floors of accommodation. However, the applicant has confirmed in the Design and Access Statement that the roof space of both apartment blocks will be utilised to accommodate a number of flats. Although no floor plans have been provided of the second floor (or first floor), it would appear that the applicant is proposing some 6 units within the roof space of the blocks of flats. The floorspace figures are Gross External Area (GEA). The figures in brackets relate to the footprint and floorspace associated with the previous refused application:

	Footprint	Floorspace (GEA)	Maximum Height
Existing	1074sqm	1074sqm	5.58m
Proposed	3436sqm (5150sqm)	6216sqm (10,180sqm)	10m
Percentage Increase	320% (480%)	579% (948%)	79% (79%)

- 7.27 The above figures show that the proposed buildings will result in a very large increase in footprint and floorspace, compared to the existing buildings (even with just two floors of accommodation). The proposed footprint will be approximately more than 3 times greater than the existing buildings to be demolished. The proposed floorspace will be nearly 6 times greater than the existing buildings, even though this does not include the floorspace within the roof of the apartment blocks. All of the existing buildings on the site are single storey. In comparison, all of the proposed houses and the care home will comprise two floors of accommodation, whilst the apartment blocks will comprise 3 floors of accommodation. It is considered that the loss of openness within the site is harmful and contrary to Green Belt policy, and weighs heavily against the merits of the development.

- 7.28 Whilst full details of the scale of the buildings are not being considered at this outline stage, the applicant is seeking approval for the maximum height parameters across the site. The applicant has submitted a height-limit site plan which states that the maximum height of the care home and the two blocks of flats will be approximately 10 metres, whilst the maximum height of the houses will be approximately 8.98 metres. The applicant has also

submitted indicative elevations showing the proposed buildings broadly consistent with these height limits.

- 7.29 Although the proposed buildings are shown to be 'two-storey' in scale, it is important to note that a height of 10 metres is unusually high for a purely two-storey domestic building (a traditional two-storey building is around 8 metres in height). Indeed, the applicant has confirmed in the Design and Access Statement that the two apartment blocks will comprise 3 floors of accommodation, even though the indicative plans show the western private block not to contain any windows at second floor level. The plans for the eastern affordable block show a large crown roof and a number of second floor dormers. Furthermore, it is considered that the roof space of the western private apartment block could potentially accommodate a greater number of units, especially if the rather contrived central roof valley was to be replaced with a crown roof and dormers without a significant change to its scale. Similarly, the roof of the care home could be altered in the same manner without significantly changing its scale. Moreover, the ground floor entrance and lobby area of the eastern affordable block is considered to be unusually large and could potentially accommodate an additional flat at this level. If this particular planning application were to be approved, it is plausible that a revised application could be submitted with substantially greater number of bedrooms provided within the roof space of the care home, and a greater number of flats, without changing the scale of the buildings. In this scenario, it is considered that the Council would find it difficult to object to such a proposal on Green Belt grounds, especially with regard to the scale of the buildings.
- 7.30 The proposal is considered to harm the visual amenities of the Green Belt, which will further diminish openness. It will result in the site having a much more built-up appearance compared to the existing site, not only in terms of the increase in the scale and height of the buildings (i.e. volumetric approach) but also from a visual dimension. The front boundary adjacent to Upper Halliford Road is currently lined by a tall hedge with some small trees in it. Most of the front part of the site, with the exception of the existing bungalow and the access road, is essentially free of development. Existing views into the site towards the industrial estate are limited. Whilst the proposed most eastern apartment block (i.e. the block nearest to Upper Halliford Road) and the care home will be set back from the road and the existing hedge can potentially be retained, the buildings will be approximately 10 metres in height and will be visible from the road. The proposed development will also be seen from the public footpath that runs adjacent to the northern boundary.
- 7.31 The proposed development is considered to conflict with the first of the five purposes of Green Belts in Paragraph 134 of the NPPF (to check the unrestricted sprawl of large built-up area). There is currently a clear boundary along the southern part of the site, between the large built area of Upper Halliford and the Green Belt designated land of Bugle Nurseries and the fishing lake further to the north. The proposed housing and care home development would erode this well-defined boundary and create urban sprawl.
- 7.32 The proposal is also considered to conflict with the second of the five Green Belt purposes in paragraph 134 of the NPPF: '*to prevent neighbouring towns merging into one another*'. The area of Green Belt in which the application site

and surrounding open land is located is performing strongly in preventing the urban areas of Ashford, Sunbury, and Upper Halliford from growing towards each other. Indeed, the Council's Green Belt Assessment Stages 1 and 2 classifies this particular area of the Green Belt (Local Area 39 – sub area 39-b) as '*strongly performing*'. The Green Belt Assessment Stage 1 states that:

"The Local Area forms the essential gap between Ashford / Sunbury-on-Thames / Stanwell and Upper Halliford, preventing development that, as a result of their close proximity, would result in the merging of these settlements. It also plays an important role in preventing further ribbon development along Upper Halliford Road."

- 7.33 It is important to note that the previous 1981 planning application for residential development on the site was partly refused specifically on the grounds that it would result in the coalescence of settlements and encourage further coalescence in the locality. The subsequent appeal was dismissed.

Housing density

- 7.34 As noted above in regards to the principle of housing, the NPPF and Policy HO1 requires new housing development to be sustainable and in the urban area, both of which this scheme is not. Notwithstanding this, Policy HO5 in the Core Strategy Policies DPD 2009 (CS & P DPD) sets out density ranges for particular context but prefaces this at paragraph 6:25 by stating:

"Making efficient use of potential housing land is an important aspect in ensuring housing delivery. Higher densities mean more units can be provided on housing land but a balance needs to be struck to ensure the character of areas is not damaged by over-development."

- 7.35 Policy HO5 does not specify densities for sites such as this, with its ranges referring to town centres and sites within existing residential areas, which this is not. It does say that it is important to emphasise that the density ranges are intended to represent broad guidelines and development will also be considered against the requirements of Policy EN1 on design.
- 7.36 The principle of a high density development on urban land is the focus of the NPPF and Policy HO1 in order to make efficient use of land of previously developed and brownfield land, providing sustainable developments. However this site is on Green Belt land and is not in the urban area. Only part of the site is previously developed land and as such the proposal does not follow the requirements of the NPPF or Policy HO1.
- 7.37 Notwithstanding this, the proposal involves the creation of 43 residential properties and a 62 bed care home (4.84 hectares) and the proposed housing density is approximately 60 dwellings per hectare (dph) on the developed part of the site. The proposal is considered to comply with the Policy EN1 on design which is explained in the following paragraphs.

Design and appearance

- 7.38 Policy EN1a of the CS & P DPD states that "*the Council will require a high standard in the design and layout of new development. Proposals for new development should demonstrate that they will: create buildings and places*

that are attractive with their own distinct identity; they should respect and make a positive contribution to the street scene and the character of the area in which they are situated, paying due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land."

- 7.39 The existing commercial buildings on site vary in size and design but all are single storey, with a large area of hardstanding also in existence. The bungalow is also single storey in nature and is currently surrounded on all sides by a large garden.
- 7.40 To the south on Upper Halliford Road are other low level dwellings, with 2 storey semi-detached houses located along Halliford Close and no. 137 and 139 being bungalows To the north is the former Bugle public house site which has recently been redeveloped to provide flats over 3 storeys, with the second floor set within the roof space. Other dwellings along Upper Halliford Road to the north are generally 2 storey in appearance. Opposite is open land and the public park and many trees. Currently the application site appears green, open and has planting on the road frontage which shields the uses behind and provides a pleasant street scene.
- 7.41 As such, the area consists of residential development, generally 2 storey in height and open land with many trees, shrubs and natural features, appearing relatively green. The building lines to the north are closer to the highway than those to the south of the site, which are set back substantially further from Upper Halliford Road. Most of these buildings are traditional in design, with tiled pitched roofs many with gable features fronting Upper Halliford Road.
- 7.42 The scale of the proposed buildings is shown on the indicative plans submitted. Unlike the previous scheme, this proposal also includes some accommodation in the roof space at second floor level, whereas the previous scheme was purely for 2 storey development. The applicants note that the proposed 10 houses and 62 bed care home are over 2 floors only and the proposed flats will be over 3 floors. This is evident in the indicative elevational plans with large flat roofed sections, dormers and windows within the roof at second floor level. The applicant notes that, *'...the proposed housing and care home building are 2 storey, and the apartment buildings reach 3 storeys as they contain units in the roof space.'*
- 7.43 They go on to say that, *'...the scale of the proposed houses, residential flats and care home is shown on the indicative plans. This shows two types of two storey houses under pitched roofs of 8.7m and 9m in height, 3 storey residential flats of circa 9.75m in height and a care home of 10m in height.'* It should be noted however that the proposal seeks a maximum height for buildings of 10m, which is the height of the proposed care home, which the applicant notes is 2 storey. Notwithstanding this it would have scope for further accommodation to be provided within the roof if the roof design was slightly changed but would be no higher than the proposed plans show, which would lead to a greater level of floorspace.
- 7.44 The built form has been set back further from the main street frontage of Upper Halliford Road compared to the previous scheme. The large scale care

home building is to be located to the north of the site with the car park directly in front. This will be located in the place of the existing small low level bungalow and garden which is not previously developed land. In addition the proposed block of flats located to the east at the front of the site is partly located, along with car park to the front/side, within the land which is currently open and has the remains of nursery buildings on it, which is also not previously developed land. However, from a design and visual amenity point of view, the proposed built form has been positioned between the 2 sets of development to the north and south which are both closer to the highway. The care home is to be set back further into the site. Although indicative, this is considered to be acceptable from a design point of view and is considered to be in keeping with the character of the area, providing a linkage between the 2 sets of building lines. The houses will be semi-detached, fronting the road ways with their gardens behind. As such the proposed layout is considered to be acceptable on design grounds.

- 7.45 Landscaping is to be provided which will help to complement the proposed built form and play area. It will help to provide visual benefit to the built form and soften the areas of hardstanding and parking. The scheme provides a usable play area including landscaping which is visible from public areas and will add to its visual amenity. Much of the parking has been provided in front/side of the dwellings, to the front, and the side and behind the western block of flats, which will help to limit views from the public domain and to break up areas of hardstanding. The rear of the site is proposed to be landscaped for use by the public and is shown to be open with landscape features and paths, which will provide valuable visual and a usable asset to the local community. As such the proposed development is considered to be acceptable in design terms and conforms to Policy EN1.

Impact on neighbouring residential properties

- 7.46 Policy EN1b of the CS & P DPD states that:

“New development should achieve a satisfactory relationship to adjoining properties avoiding significant harmful impact in terms of loss of privacy, daylight or sunlight, or overbearing effect due to bulk and proximity or outlook.”

- 7.47 The submitted plans are illustrative, except for the roads which show the ‘access’ which is being assessed at this outline stage. As such the plans indicate a way in which the houses will be laid out and it has been assessed on this basis. The scale of the development and proximity to the boundaries with existing properties needs to be given consideration to ensure that there is an acceptable relationship and that existing residential properties will not be significantly adversely affected by the proposal, albeit that the layout of the buildings etc. are illustrative only. The Council’s Supplementary Planning Document on the Design of Residential Extensions and New Residential Development 2011 (SPD) sets out policies requirements in order to ensure this is the case.
- 7.48 The SPD in para 3.6 acknowledges that ‘most *developments will have some impact on neighbours, the aim should be to ensure that the amenity of adjoining occupiers is not significantly harmed.*’ It sets out minimum

separation distances for development to ensure that proposals do not create unacceptable levels of loss of light, be overbearing or cause loss of privacy or outlook. These are set as a minimum for 2 storey development of 10.5m for back to boundary distance, and 21m for back to back development. Three storey development has a back to boundary distance of 15m and back to back distance of 30m. There is also a minimum distance for back to flank elevations of 13.5m (2 storey) and 21m (3 storey).

- 7.49 The indicative plans show that the proposed houses will be 2 storey in nature, with the apartments being 3 storey (with accommodation in the roof space) and although taller the care home will be 2 storey only. The proposed units to the south adjoin the rear boundary with existing properties on Halliford Close. These existing dwellings have relatively long rear gardens. The proposed 2 storey dwellings will be set back from the common boundary by at least the minimum 10.5m requirement as set out in the SPD. In addition they will exceed the separation distance from back to back of some 21m, as there is approx. 31m between the back of the proposed dwellings and those of the existing properties at Halliford Close. Therefore the proposed dwellings exceed this requirement. It should be noted that the layout is indicative at this stage, however the proposal will have an acceptable relationship with the existing dwellings.
- 7.50 The existing dwellings located on Upper Halliford Road at 137 and 139 are set in from the boundaries with the application site and have large outbuildings to the rear. The proposed indicative built form is shown to be set in from these boundaries and car parks have landscape buffers. As such the proposal will have an acceptable relationship with the existing properties on Upper Halliford Road. To the north of the application site will be the proposed care home, although this is now set further back into the site. This will be located adjacent but behind the former Bugle public house site which has been re-developed into flats. There is an access road between the 2 sites and the proposed care home is set in from this boundary. As such the proposed development will have an acceptable relationship with the new flats and will not lead to a significant overlooking, be overbearing or cause loss of light.
- 7.51 The proposal is considered to have an acceptable relationship and therefore an acceptable impact on the amenity of existing neighbouring residential properties, conforming to the SPD and Policy EN1.

Amenity Space

- 7.52 The Council's SPD on Residential Extensions and New Residential Development 2011 provides general guidance on minimum garden sizes (Table 2 and paragraph 3.30). In the case of flats it requires 35 sq. m per unit for the first 5 units, 10 sq. m for the next 5 units and 5 sq. m per unit thereafter. On this basis some 340 sq. m would be required for 33 flats in total. Previously there was concern about the amount of space around the proposed block of flats, with no useable amenity space. The front block has been amended to provide a larger area of land to the front which could be a useable garden area for the occupants of this block. However the new block of flats, located centrally in the site, has a lack of space around the block which is relatively small and provides only landscaping around the building, rather than useable amenity space for use by the future occupants of the flats.

Nevertheless, the application is only outline at this stage and this can be addressed as the reserved matter stage. Notwithstanding this, the proposal also includes a large area of open space very close to the block which will ensure that there is an acceptable level of amenity space for the occupants of the flats and the proposed scheme, conforming to Policy EN1.

- 7.53 There is no minimum amenity space standard for residential care homes. However, the proposed care home will include areas of landscaping around the building and although the area is limited in size, will provide a good asset for the occupants of the care home. In addition the application site includes a large area of open space to the west which is accessible to the public and in close proximity to the care home residents.
- 7.54 The proposed houses have their own private gardens and the SPD requires this to be a minimum of 70 sq. m for each of the detached or 3 bed semi-detached houses, or 60 sq. m for the terraced or 2 bed semi-detached homes. The proposal does provide this and in addition all residents will have access to the open space to the rear of the site which will be easily accessible by all future residents.

Proposed dwelling sizes

- 7.55 The SPD on the Design of Residential Extensions and New Residential Development 2011 sets out minimum floorspace standards for new dwellings. These standards relate to single storey dwellings including flats, as well as to 2 and 3 storey houses. For example, the minimum standard for a 1-bedroom flat for 2 people is 50 sq. m.
- 7.56 The Government has since published national minimum dwelling size standards in their “*Technical Housing Standards – nationally described space standard*” document dated March 2015. These largely reflect the London Housing Design Guide on which the Spelthorne standards are also based. The standards are arranged in a similar manner to those in the SPD and includes minimum sizes for studio flats. This national document must be given substantial weight in consideration of the current application in that it adds this additional category of small dwellings not included in the Council’s Standards.
- 7.57 All of the illustrative proposed dwelling sizes comply with the minimum standards stipulated in the national technical housing standards and the SPD. Therefore, it is considered their standard of amenity overall to be acceptable.

Highway and parking provision

- 7.58 Strategic Policy SP7 of the CS & P DPD states that:

“The Council will reduce the impact of development in contributing to climate change by ensuring development is located in a way that reduced the need to travel and encourages alternatives to car use. It will also support initiatives, including travel plans, to encourage non car-based travel.”

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

“The Council will seek to secure more sustainable travel patterns by: ... (d) only permitting traffic generating development where it is or can be made

compatible with the transport infrastructure in the area taking into account: (i) number and nature of additional traffic movements, including servicing needs; (ii) capacity of the local transport network; (iii) cumulative impact including other proposed development; (iv) access and egress to the public highway; and (v) highway safety.

- 7.60 The County Council was consulted as the County Highway Authority (CHA) and has made no objection to the proposal. In terms of trip generation, the existing use of the site does generate a small number of vehicular movements. Surveys of the site access have demonstrated that there were 15 two-way vehicle movements across the site access in its busiest hour of the survey period (07:00-08:00). The Transport Assessment provided includes an analysis of the likely trip generation of the proposed development using the TRICS database. The provided data shows that the peak hour departures would be 29 vehicles between 08:00-09:00, and for arrivals would be 23 between 17:00-18:00. It is unlikely that this scale of trip generation would cause any capacity issues at any of the junctions on Upper Halliford Road. Traffic modelling at the site access junction with Upper Halliford Road has been undertaken and demonstrates that the junction would operate within capacity, without significant queuing. The modelling demonstrates that the impact on the flow of Upper Halliford Road would be very minor.
- 7.61 In relation to the access arrangement, the Transport Assessment states that the application proposes to modify the existing access to Upper Halliford Road in the centre of the site, which would be widened and provided with footways on either side. A drawing has been provided which demonstrates that visibility of 120m in either direction is achievable, and this is acceptable.
- 7.62 The CHA has noted that early discussions identified the local demand for a new crossing facility across Upper Halliford Road, in the vicinity of the development site. Upper Halliford Road is a busy road with a speed limit of 40mph. There is an existing controlled crossing approximately 650m south of the site access. To the north of the access, there is no formal pedestrian crossing provision. The proposed crossing would therefore provide a necessary pedestrian facility to enable pedestrian access to the bus stop and public park opposite the site, but also the schools and other facilities to the east of Upper Halliford Road. The proposed crossing is provided with signal controls. As discussed in their pre-application meeting, the CHA is not insistent that this type of crossing be provided, and considers that pedestrian refuge islands could be sufficient. It is understood, however, that the applicant does wish to provide the signalised crossing, and this would provide a safer and more convenient facility to pedestrians. Feedback has been sought from the CHA colleagues in Road Safety, and the Police. They have raised no objections to the proposed crossing, but have recommended that high friction surfacing be provided either side of it.
- 7.63 Subject to the recommended conditions, the highway and access arrangements are considered to be acceptable.

Parking Provision

- 7.64 Policy CC3 (Parking Provision) of the CS & P DPD states that the Council will require appropriate provision to be made for off-street parking in development proposals in accordance with its maximum parking standards.

- 7.65 On 20 September 2011 the Council's Cabinet agreed a 'Position Statement' on how Policy CC3 should now be interpreted in the light of the Government's recent parking policy changes. The effect of this is that the Council will give little weight to the word 'maximum' in relation to residential development when applying Policy CC3 and its residential parking standards will generally be applied as minimum (maximum parking standards continue to be applicable in relation to commercial development).
- 7.66 The illustrative proposed parking provision for the residential properties is 87 spaces. The Council's Parking Standards as set out in the Supplementary Planning Guidance requires 59 spaces for the dwellings and flats and then an additional 16 for the care home, some 75 in total. As such the proposed parking provision is policy compliant.
- 7.67 The submitted Transport Assessment has applied Spelthorne Borough Council's parking standards to identify acceptable parking provision levels for each use on site. Overall, 62 have been provided for the residential development, 52 of these allocated to particular units. 10 spaces are therefore available within the site to be used flexibly to accommodate variable demand between flats/days. In addition 27 spaces have been provided for the proposed care home.
- 7.68 The CHA has raised no objection to the proposed scheme on highway safety grounds or parking provision noting that generally it is considered that the spaces are reasonably located with respect to the dwellings which they will serve. 27 car parking spaces are proposed for the 62 bed care home. Whilst this complies with the Council's standards, it is notable that the expected number of staff is up to 30 and the applicants note that they are not likely to all be on site at one time. It is unlikely that all of these staff will drive to work, but the ratio of parking space to employees does emphasise the importance of the proposed Travel Plan, which should aim to reduce single-occupancy employee car trips. The parking for the care home will also have to accommodate visitors. It is worth considering that the unallocated residential parking spaces will be open for anyone to use, and the peaks in residential and care home demand for parking are unlikely to coincide.
- 7.69 Therefore the proposed parking provision is acceptable. As such it is considered that the scheme is acceptable in terms of policies CC2 and CC3 on highway and parking issues.

Affordable housing

- 7.70 Policy HO3 of the CS & P DPD requires up to 50% of housing to be affordable where the development comprises 15 or more dwellings. The Council seeks to maximise the contribution to affordable housing provision from each site having regard to the individual circumstances and viability, including the availability of any housing grant or other subsidy, of development on the site. Negotiation is conducted on an 'open book' basis.
- 7.71 The applicant is proposing to provide 21 affordable housing units (17 no. for affordable rent and 4 for shared ownership). The 21 units represent an affordable housing provision of 49%. Given the total number of units is odd,

(i.e. 43) and the site already has a single dwelling at the site, it is considered acceptable to provide 49% rather than 50%.

- 7.72 Policy HO3 states that the provision within any one scheme may include social rented and intermediate units, subject to the proportion of intermediate units not exceeding 35% of the total affordable housing component. The proposal is to provide 4 out of 21 units for intermediate (shared ownership) and this equates to 19%. The provision is considered acceptable in this instance.

Flooding

- 7.73 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).
- 7.74 The site is located within Flood Zone 1, which has a low probability of flooding with a less than 1 in 1000 year chance of flooding, and no uses are precluded on flooding grounds. The applicant has submitted a Flood Risk Assessment (FRA) & Surface Water Drainage Strategy, as is required by Policy LO1 of the CS & P DPD.
- 7.75 In terms of flood risk, the site is located outside of the high flood risk area and as displayed in the FRA there is no risk to the future occupants of the site from flooding.
- 7.76 With regards to surface water drainage, the applicant is proposing to implement infiltration drainage devices to discharge surface water to the underlying soil in the form of permeable paving to provide improved surface water drainage than currently on parts of the site.
- 7.77 The Lead Local Flood Authority at Surrey County Council has been consulted on the proposed sustainable drainage scheme but no comments have yet been received with this application. However they raised no objections to the, previous scheme, subject to conditions. The Environment Agency have made no comment on the current application. Accordingly, the application complies with the requirements of Policy LO1 of the CS & P DPD.

Renewable Energy

- 7.78 Policy CC1 of the CS & P DPD states that the Council will require residential development of one or more dwellings and other development involving new building or extensions exceeding 100 sq. m to include measures to provide at least 10% of the development's energy demand from on-site renewable energy sources unless it can be shown that it would seriously threaten the viability of the development.
- 7.79 The applicant has submitted an energy statement in which they have not proposed any measures to meet the Council's minimum 10% renewable requirement asserting that they do not need to meet our renewable requirement due to updates to the NPPF. The Councils Sustainability Officer

has been consulted and notes that if they are intending to take a fabric first approach, they will need to set out justification for doing so, clear figures demonstrating this will provide the equivalent energy savings to meeting the minimum 10% renewable requirement. This would then be reviewed on a case by case basis as to whether this is an acceptable alternative to meeting the Council's renewable requirement. As such the proposal is lacking in detail and as such the renewable energy proposals are currently unacceptable and does not accord with Policy CC1. However further detail can be submitted at a later date to overcome this, (i.e. at the Reserved Matters stage) which can be required by condition and this is not a reason to refuse the scheme and it was not a reason to refuse the scheme previously.

Ecology

- 7.80 Policy EN8 of the CS and 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.
- 7.81 The site includes a number of buildings and trees, which are capable of being used as a habitat for protected species (i.e. bats). During the previous application the most up to date ecology report recommended that another bat survey should be carried out and at the time of the determination, this had not been done. It was considered that the extent that bats may be affected by the proposed development had not been fully established and given the requirements of Circular 06/2005, the application was recommended for refusal on this basis.
- 7.82 Since the determination of the previous application, another bat survey has been carried out which recommends a number of measures to mitigate any adverse impacts on bats. This can be covered by the imposition of a condition. As such the proposal is acceptable in relation to Policy EN8.
- 7.83 The site is located a considerable distance from any Site of Special Scientific Interest/Special Protection Area (SSSI/SPA). The nearest SSSI/SPA is the Knight and Bessborough Reservoirs which is at least 2.4km and is located across the river in Elmbridge. Taking into account the scale of the proposed development and the distance from the nearest SSSI/SPA, it is not considered necessary for a Habitats Regulations Assessment screening exercise to be carried out. Natural England was consulted on the planning application and has raised no objection. Surrey Wildlife Trust have made no objection subject to the mitigation measures set out in the ecology reports being carried out. It is relevant to note that in 2018 the Council issued a screening opinion which confirmed that an Environmental Impact Assessment would not be required for the redevelopment of the site.

Open space

- 7.84 Policy CO3 of the CS & P DPD requires new housing development of 30 or more family dwellings (i.e. 2-bed or greater units) to provide a minimum of 0.1ha of open space to provide for a children's play area. Such provision is to be increased proportionally according to the size of the scheme and the policy includes 2 bed flats as family houses. The proposal includes 29 family units

which is below the 30 units and therefore would not require the provision of any open space. The proposal includes a children's play area at the front of the site and in addition a large open space for the public to access. In addition there is an existing park with a play area opposite at Upper Halliford Park. As such, it is considered that the proposed open space is acceptable.

Dwelling mix

- 7.85 Policy HO4 of the CS & P DPD (Housing Size and Type) states that the Council will ensure that the size and type of housing reflects the needs of the community by requiring developments that propose four or more dwellings to include at least 80% of their total as one or two bedroom units. The Supplementary Planning Document "Housing Size and Type" 2012, goes on to note that, *'...where there is a predominance of larger dwellings a mix with less than 80% one and two bedroom dwellings may be appropriate with a greater proportion of 3 bedroom dwellings. However, the majority should still have one and two bedrooms.'*

- 7.86 The previous scheme failed to comply with this policy with only 49% of the total units being smaller units. However, the current proposal does comply with the requirements of Policy HO4. In particular, the number of proposed smaller units, (1 bed and 2 bed flats) is 37 out of the total 43 units and equates to 86% of the total units. As such the proposal complies with policy HO4 and is acceptable.

Archaeology

- 7.87 Whilst the site is not located within an Area of High Archaeological Potential the applicant has submitted an Archaeological Desk-Based Assessment as required by Saved Local Plan Policy BE26.
- 7.88 The County Archaeologist was consulted on the application and following the submission of an updated report, with the previous scheme has recommended that further archaeological works are required which can be imposed by condition. Subject to the imposition of the condition the impact of the development on archaeology is considered acceptable.

Impact on Trees/Landscaping

- 7.89 The applicant has carried out a tree survey at the site and land to the north outlined in blue, which shows that a total of 12 trees and 28 tree groups are present. The indicative layout plans show the proposed care home and car park are set back from Upper Halliford Road to ensure an acceptable relationship with the preserved Oak Tree on the north eastern corner of the site.
- 7.90 An Arboricultural Survey and an indicative landscape masterplan have been submitted. The landscape plan shows tree planting along the proposed road ways, some of the existing trees along the site boundaries will be retained to provide screening and complement the proposed buildings and further planting in the form of focal trees, hedges and shrubs will also be provided. The applicants note that, *'...the proposed planting will be a mixture of native and non-native tree, hedge and shrub species, This is to ensure that the sites ecological credentials can be enhanced within the residential area, whilst also*

achieving an attractive setting for the new development through the combination of existing and proposed landscape proposals.’.

- 7.91 The play area and private amenity spaces will also be landscaped. Hedgerows and tree planting will be used around hardstanding and car park areas to help break up hardstanding and add visual interest. In addition the area to the rear of the site will be landscape to provide footpaths and landscaping, along with the removal of the recycling facility which will provide an attractive outlook to the proposed development and also other local people using the land.
- 7.92 Whilst the proposal will result in the loss of some of the existing trees, the proposed replacement planting and landscaping will help to enhance the proposed development and is considered to be acceptable.

Contaminated Land

- 7.93 The applicant has submitted a *Preliminary Risk Assessment & Geo-Environmental Ground Investigation and Assessment* report to ascertain the level of contamination of the existing ground conditions and proposed remediation measures. This is particularly important as the proposal introduces new residential development onto the site which has existing commercial uses and reflects our standard precautionary approach to contamination risk. The Council’s Pollution Control Officer has raised no objection previously but requested a number of conditions to be imposed requiring a further investigation to be carried out to refine risks and remediation measures. As such subject to these conditions, the proposal is considered acceptable.

Air quality

- 7.94 The applicant has submitted an Air Quality Assessment (AQA), as is required by Policy EN3 of the CS & P DPD. The AQA assesses the impact of construction impacts of the proposed development and recommends that a Construction Method Statement be submitted. The Environmental Health Officer (EHO) recommends conditions be imposed for a Dust Management Plan and a Demolition Method Statement.
- 7.95 The Council’s Pollution Control section was consulted on the application and raised no objection on air quality, subject to conditions.

Refuse Storage and Collection

- 7.96 The layout of the site has been designed to ensure that refuse collection vehicles can enter and exit the site in a forward gear. Refuse storage areas will need to be provided for the flats. The County Highway Authority has raised no objection on this particular issue. The Council’s Group Head Neighbourhood Services raised no objection. Accordingly, the proposed refuse collection facilities are considered acceptable

Crime and Design

- 7.97 With regard to the Crime Prevention Officer’s comments, as with the previous scheme, it is not considered appropriate to impose a condition, as requested, relating to “Secured by Design”. Many of the requirements are very detailed (e.g. standards of windows, doors and locks), elements which are not

normally covered and enforced under the planning regulations and in the event that the proposal was acceptable on planning grounds, it is recommended that this could be brought to the attention of the applicant by adding an informative.

Other matters

- 7.98 The existing industrial uses have evolved over time and do not have any planning permission. It is not located within a designated Employment Area so no objection can be raised in principle to the loss of the employment use at the site.
- 7.99 The application is for Outline consent only and the level of detail is only indicative, as some issues can be addressed further at the reserved matters stage.

Financial Considerations

- 7.100 Under S155 of the Housing and Planning Act 2016, Local Planning Authorities are now required to ensure that potential financial benefits of certain development proposals are made public when a Local Planning Authority is considering whether or not to grant planning permission for planning applications which are being determined by the Council's Planning Committee. A financial benefit must be recorded regardless of whether it is material to the Local Planning Authority's decision on a planning application, but planning officers are required to indicate their opinion as to whether the benefit is material to the application or not. In consideration of S155 of the Housing and Planning Act 2016, the proposal is a CIL chargeable development (although not relevant at outline stage) and will generate a CIL Payment based on a rate of £60 per sq. metre of net additional gross floor space. This is a material consideration in the determination of this planning application. The proposal will also generate a New Homes Bonus and Council Tax payments which are not material considerations in the determination of this proposal.

Other Considerations

- 7.101 The applicant has identified 8 material considerations in their Planning Statement to justify the proposed development on this site, which they believe individually and cumulatively comprise very special circumstances:
- i) ***The application proposals could be regarded as an appropriate form of development in principle***
 - ii) ***Removal of bad neighbour uses***
 - iii) ***Redevelopment of the neighbouring site [former Bugle Public House site]***
 - iv) ***Remediation of the contaminated land***
 - v) ***Regeneration of the site***

- vi) ***Housing supply/Need for a mix of housing types and tenures, and a care home, in the Borough***
- vii) ***Provision of public open space***
- viii) ***Local community views***

7.102 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 application proposals could be regarded as an appropriate form of development in principle

7.103 The applicant states that the application could be regarded to be an appropriate form of development (i.e. not inappropriate) in principle for a number of reasons:

- The proposed development is focused on the previously developed part of the site and will involve replacement of the residential bungalow, mixed commercial land and buildings and the removal of the aggregates recycling facility.
- The extent of built development has been reduced as part of the revised proposals.
- The proposed landscaping masterplan provides for retention or replacement of existing boundary landscaping, which would be held in the control of a management company.
- The application proposes a total of 5,830 sqm of hardstanding. This presents a 40% reduction in hardstanding area from the existing amount of 9,503 sqm.
- There will be an 18% increase in the amount of green space following removal of buildings, hardstanding infrastructure and the aggregates recycling facility and access.
- The scheme includes provision of affordable housing (49%) for which the Council has identified there is a significant need.
- Planning permission was granted at appeal for a residential development of 151 residential units on a site known as Dylon International, Lower Sydenham. The site is located within Metropolitan Open Land (so is subject to Green Belt policies) and partly comprises brownfield land and a large area of open space. As such the site demonstrates many similarities with the application site.

Response

7.104 The proposal is considered to constitute '*inappropriate development*' in the Green Belt for the reasons given in the paragraphs above. It is not considered to represent an 'appropriate form of development in principle'. The scheme would not enhance the openness of the Green Belt. Rather, the proposal would result in a substantial loss of openness which is explained in detail in the paragraphs above. It is recognised that the current application site includes the existing waste transfer site and the proposed development will involve its removal to be replaced with open space. The waste transfer station does not have any buildings on it. Its impact on the openness of the Green Belt is limited (mainly the earth bunds). Even after taking into account its removal from the site, the overall development is considered to result in a substantial and harmful increase in the openness of the Green Belt.

7.105 With regard to the Dylon International appeal decision, it is considered that the similarities with the current application are slight. The appeal site was located within the 'Metropolitan Open Land' (not Green Belt), although it is noted that this London only land designation does have the same level of protection as Green Belt. The Inspector did not consider the proposal was an 'appropriate form of development in principle'. Rather he considered it to constitute '*inappropriate development*'. Whilst the Inspector concluded that there were 'very special circumstances' which clearly outweighed the harm to the Metropolitan Open Land, this was largely because he gave significant weight in its favour to the high quality architecture and townscape that the scheme would deliver. In comparison, the application at Bugle Nurseries is Outline with only the 'access' being considered at this stage. Consequently, it is considered that no weight should be given to this particular point.

ii) Removal of bad neighbour uses

7.106 The application site is currently occupied by a variety of commercial operations including a lawful aggregate recycling facility. Because the uses have evolved over time they are not subject to planning controls that would normally be applied to such uses. None of the properties are therefore restricted in terms of use, hours of operation, access arrangements or other environmental controls.

7.107 The site lies adjacent to residential properties to the south. Given the close relationship of these properties with the estate and the absence of any planning restrictions over the commercial uses, there is significant potential for the occurrence of adverse environmental conditions. Indeed there have been a number of complaints and investigations regarding the impact of operations at the site on nearby residents. Bugle Nurseries is therefore an inappropriately located industrial site.

7.108 Vehicular access to the site is also unrestricted. Currently the commercial uses are accessed via Upper Halliford Road. Existing operations generate considerable amounts of daily traffic movements as evidence with the Transport Statement. Due to the nature of existing uses at the site this includes HGVs as well as smaller commercial vehicles. The proposal seeks the removal of the aggregate recycling facility and other commercial uses and replace them with more appropriate residential uses. Therefore the existing

vehicular activity associated with the site will be removed and this will provide significantly improved environmental conditions for local residents.

- 7.109 The application proposal will therefore result in comprehensive redevelopment of the site for residential uses and a much needed care home which is a more appropriate form of development than the existing mixed commercial uses. This will significantly improve environmental conditions for existing residents adjacent to the site.

Response

- 7.110 It is recognised that part of the existing site is occupied by the industrial estate, which is causing noise and disturbance to neighbouring residential properties in Halliford Close, Bramble Close and Upper Halliford Road. (The Council's Environmental Health Department has received a small number of complaints dating back to 2012 in regards to noise from lorry movements and also bonfires at the site. 2 no. planning enforcement complaints have been received since 2012). The uses have evolved over a long period of time and are not restricted by planning controls, including no control over the hours of operation. The removal of these industrial uses to be replaced with housing and a care home will be some benefit to the neighbouring properties and it is considered this adds moderate weight in favour of the proposal. The proposal will also result in the removal of the existing waste transfer station at the rear of the site, and the lorry movements, noise and general activity associated with it. Unlike the previous refused application, the waste transfer station is now included within the application site and its removal can be considered as a benefit in favour of the development. It is considered that this particular element should be given moderate weight in favour of the development.

iii) Redevelopment of the neighbouring site [former Bugle Public House site]

- 7.111 The applicant states that the adjacent former Bugle Public House has been redeveloped for residential use (8 flats) which will introduce a further sensitive use adjacent to the current site. Housing would be a more appropriate use for the application site having regard to planning development in the area.

Response

- 7.112 The redevelopment of the former Bugle Public House site has now been completed and the new flats are occupied. However, it is relevant to note that the new flats do not directly adjoin the industrial estate at Bugle Nurseries. Rather, they are located adjacent to the private garden of the bungalow (171 Upper Halliford Road). Consequently, it is considered that the noise and disturbance associated with the existing industrial uses is likely to have little impact on the new occupiers of the Bugle Public House development. It is considered that no weight should be given to this particular consideration.

iv) Remediation of the contaminated land

- 7.113 The application site has been subject to detailed ground investigations. It has been identified that part of the land subject to the proposed housing

development is contaminated. Details of the ground conditions and necessary remediation strategy are set out in the applicant's Phase 1 and 2 assessment. Remediation of the contaminated land is a significant environmental benefit of the proposal. Such measures will only take place if the site is redeveloped for housing.

Response

- 7.114 It is recognised that the existing land, particularly where the industrial estate is located, is likely to be subject to contamination, and that the proposed development will involve ground remediation works to enable the residential scheme and care home to be implemented. Indeed, the Council's Pollution Control Officer consulted on this application considers that the site to be subject to contamination and has recommended contaminated land/remediation related conditions to be imposed if permission were to be granted. However, little weight is given to this particular consideration, as remediation works are likely to be required for any scheme involving the redevelopment of a former industrial site to housing, even if the site were to be located in the urban area. This is not a benefit unique to a Green Belt site.

v) *Regeneration of the site*

- 7.115 The application site is occupied by a variety of poor quality buildings. Consequently, the site is of extremely low quality in visual and environmental terms and has negative effect on the character and openness of the Green Belt. The site is therefore in clear need of regeneration and offers the opportunity for substantial environmental improvements through provision of high quality energy efficient buildings, remediation, enhancement of green infrastructure and improvement to the natural landscape.

Response

- 7.116 Whilst it is acknowledged that the existing industrial estate has an impact, the overall application site is not considered to be extremely low quality in visual and environmental terms. Most of the application site is currently free of development and laid with vegetation. The front part of the site is mainly free of development (open land or the garden of 171 Upper Halliford Road) and is lined with a high hedge and small trees. The proposed development will lead to a significant harmful loss of openness and harm to the visual amenities of the Green Belt, which is explained in more detail in the paragraphs above. Consequently, little weight is given to this particular consideration put forward by the applicant.

vi) *Housing supply/Need for a mix of housing types and tenures, and a care home, in the Borough*

- 7.117 The Council is not able to demonstrate a five year housing land supply (as confirmed in its adopted Housing Delivery Test Action Plan July 2019) against its housing requirements and that there is a presumption in favour of the proposed development. The absence of a sufficient housing land supply therefore engages the presumption in favour of the grant of planning consent and the weight afforded to the delivery of housing at the Bugle Nurseries site

should therefore be substantial in applying the “tilted balance” in this case. There is a significant need to deliver new housing in Spelthorne in the short term and that there is a severe shortfall of affordable housing. There is also a need to provide accommodation for the elderly.

- 7.118 In addition, the applicant has referred to a recent appeal decision in the London Borough of Bromley (Dylon International Premises, Station Approach, Lower Sydenham – APP/G5180/W/18/3206569 – see above) which has confirmed that weight afforded to the delivery of housing (including affordable housing) has increased in the consideration of previously developed Green Belt site where there is a significant shortfall of supply and an acute need has increased.

Response

- 7.119 It is acknowledged that the Council is unable to demonstrate a 5 year housing land supply in the Borough. It is also recognised that there is a shortage of affordable housing in the Borough and that the delivery of affordable units over the last few years has been low. The applicant is proposing approximately 50% of the units on the application site to be affordable, which is in accordance with Policy HO3 (Affordable Housing) of the Core strategy and Policies DPD.

- 7.120 However, it is not considered that the “Tilted Balance” can be applied in this particular case. This is because the site is located within the Green Belt. Paragraph 11 of the NPPF 2019 states that planning decisions should apply a presumption in favour of sustainable development (i.e. ‘tilted balance’) where policies which are most important for determining the application are out of date (i.e. lack of 5 year housing land supply) unless:

- (i) The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed

- 7.121 Footnote 6 to paragraph 11 provides clarification on what constitutes protected areas or assets of particular importance. These include habitat sites and/or designated Sites of Special Scientific Interest; land designated as Green Belt*, Local Green Space, an Area of Outstanding Natural Beauty, a National Park, Heritage Coast, irreplaceable habitats, designated heritage assets, other heritage assets of archaeological interest, and areas at risk of flooding or coastal change.

*** Officer’s emphasis**

- 7.122 As the Green Belt designation excludes the application of the “Tilted Balance” for the proposed development at the Bugle Nurseries site, it is considered that this particular consideration put forward by the applicant has no weight in favour of the application.
- 7.123 With regard to the Dylon International appeal decision, this particular site was not located within the Green Belt. Rather, it was located within the Metropolitan Open Land, which is not one of the exceptions specifically

referred to in Footnote 6 of paragraph 11 of the NPPF. In any case, the Inspector gave significant weight to the high architectural quality and townscape of the development, a consideration which does not apply to the Bugle Nurseries application. The current application is an outline proposal with only the 'access' being formally assessed at this stage. Consequently, it is considered that no weight should be given to this particular consideration.

vii) Provision of public open space

- 7.124 The applicant states that the proposal will restore a substantial area of open space within the western part of the site. It is intended that this area will be public accessible, which is a considerable benefit to the community on land which is currently private and inaccessible. This will provide environmental and recreational benefits that would be a significant amenity for the wider community, particularly given the proposal would restore the land including the historic aggregate facility. Gated access will also be provided for pedestrians along the site's southern border. Furthermore, the applicant has suggested that the public open space could be secured by a Section 106 agreement and that they would offer control of the land in perpetuity to the Council by way of a deed of dedication and/or land transfer.

Response

- 7.125 It is recognised that providing public access to the open space at the rear, and the restoration of the land, is of some benefit to the area. However, this part of Shepperton has ample public open space. The Council's draft Open Space Assessment November 2019 states that this area of the Borough (Ward Halliford and Sunbury West) has more than sufficient public open space. Halliford Park is a short walk away from the application site on the other side of Upper Halliford Road. Indeed, the Council's Group Head of Neighbourhood Services states that there is plenty of open space, play facilities and park areas in and around the Bugle site, Halliford Park, Donkey Meadow, public footpaths, etc. The cost to maintain it would be dependent on what was to be put there. She states that there should be justification for its need but she does not think there is one in this particular case. Consequently, it is considered that only limited weight should be given to this benefit in favour of the proposal.

viii) Local community views

- 7.126 There were a number of representations submitted by third parties in support of the first planning application (18/00591/OUT), including a letter of support from the Shepperton Residents Association (SRA). These submissions were made in addition to comments recorded at the pre-application stage (as set out within the Statement of Community Engagement). This level of support is a significant material consideration in respect of the proposals. The clear desire to see the site redeveloped for mixed housing uses was compelling enough to stimulate multiple letters of support in this case. The SRA's support should be duly regarded as a collective view of the local community.

Response

7.127 It is acknowledged that some 19 letters of support were received with the previous application. In relation to the current application, 29 cards and 2 letters of support have been received from local residents. Whilst letters of representation are a material consideration in the determination of a planning application, similar levels of support could equally be received in relation to the redevelopment of a site in the urban area or other non-Green Belt location. This particular consideration is not unique to a Green Belt location and it is considered that it has no weight.

Conclusion

7.128 The development constitutes inappropriate development in the Green Belt and this, in itself, weighs heavily against the merits of the scheme. Indeed the NPPF advises that “*substantial weight should be given to any harm to the Green Belt*”. The development will result in a significant reduction in the openness of the Green Belt and this adds substantial weight against the proposal. There will be a very large increase in the amount of development on the site, compared to the existing development. The application assumes that all ‘previously developed land’ can be developed which isn’t the case in the NPPF. In any case, some of the proposed development will be located outside the ‘previously developed land’. It will harm the visual amenities of the Green Belt, which adds substantial weight against the merits of the scheme. 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.

7.129 It is recognised that the current application site now includes the rear part of the Bugle Nurseries site and that the removal of the waste transfer station and the provision of the open space with landscaping are new considerations that have moderate weight in favour of the proposal. Moderate weight is also given to the benefit of removing the existing industrial uses and waste transfer site on the site. However, these elements together with the other considerations put forward by the applicant in favour of the proposal do not clearly outweigh the substantial harm the proposal will cause to the Green Belt. Consequently, it is not considered that very special circumstances exist. The proposal is therefore contrary to the Section 13 of the NPPF and Saved Local Plan Policy GB1.

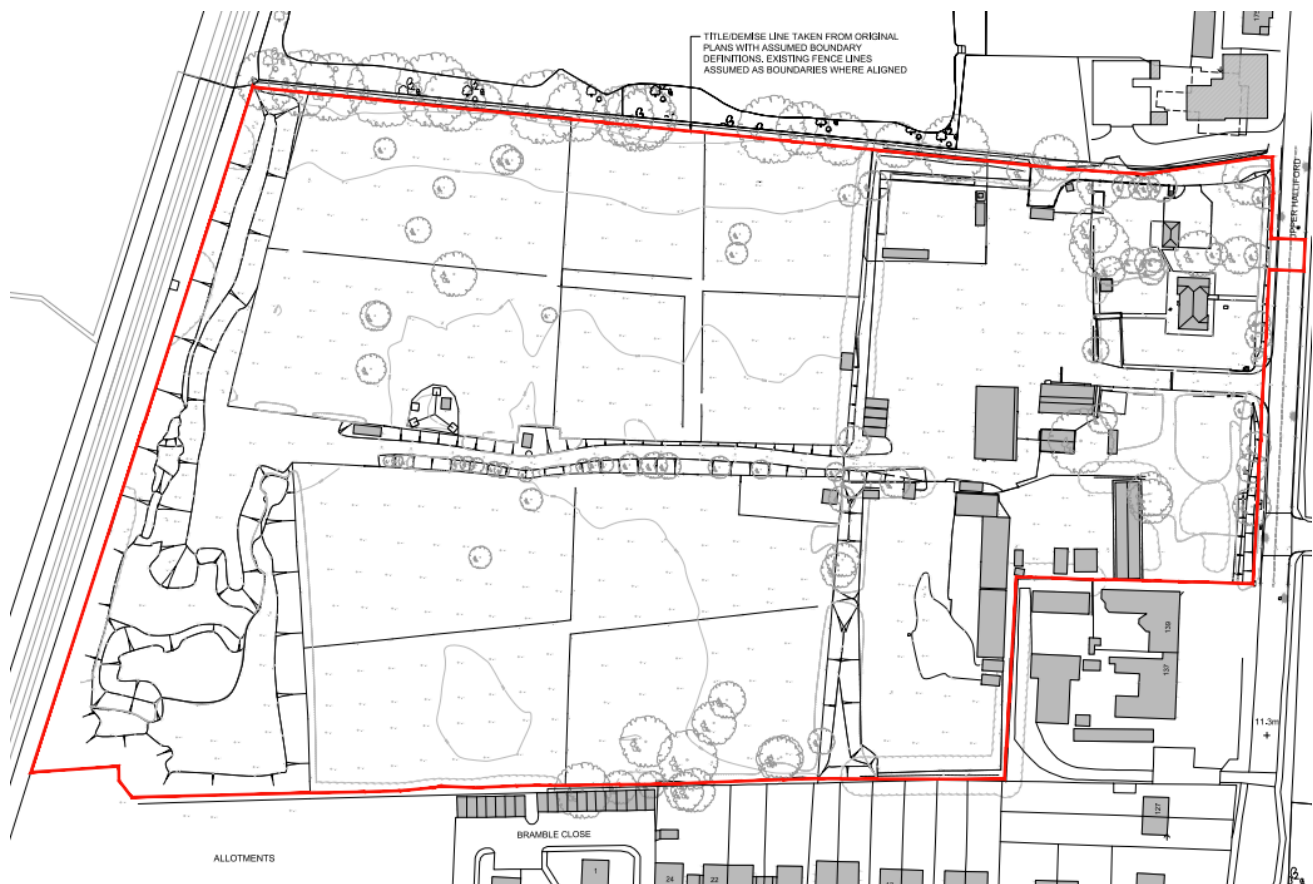
7.130 Accordingly, the application recommended for refusal.

8. Recommendation

8.1 REFUSE the planning application for the following reason:

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 a more 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 prevent neighbouring towns merging together. It is therefore contrary to Saved Policy GB1 of the

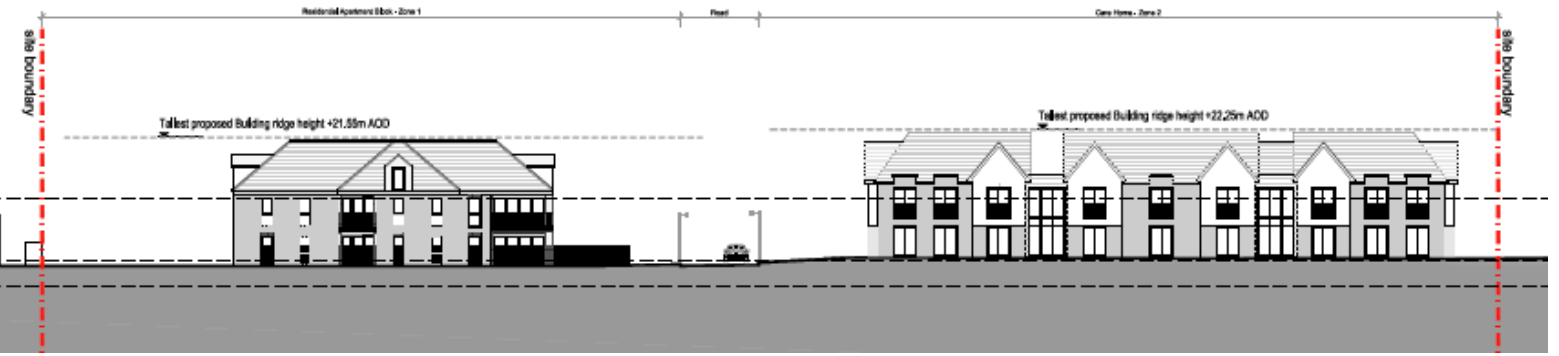
Spelthorne Borough Local Plan 2001 and Section 13 (Protecting Green Belt Land) of the Government's National Planning Policy Framework 2019.



Existing Site Layout



Proposed Site Layout



Proposed Indicative Street Scene Elevation