

Planning Committee

4 March 2020



Application No.	19/01496/FUL		
Site Address	Riverside Memorial Gardens, Thames Street, Staines-upon-Thames		
Applicant	Spelthorne Borough Council		
Proposal	Installation of a steel jetty with hardwood decking to provide a passenger boat landing stage together with the installation of piles.		
Case Officer	Paul Tomson		
Ward	Staines		
Called-in	N/A		
Application Dates	Valid: 06/01/2020	Expiry: 02/03/2020	Target: Extension of time agreed – 06/03/2020
Executive Summary	<p>The proposal involves the installation of a steel jetty to provide a passenger boat landing stage together with the installation of piles. The jetty will be accessed from the existing 'Bandstand' located to the south-west of the Riverside Car Park.</p> <p>The proposed jetty is considered to respect the setting of the River Thames and the character of the area and complies with the requirements of Policies EN1, EN9 and EN10 of the Core Strategy and Policies DPD 2009. The Environment Agency has raised no objection to the jetty and the impact on flooding is considered acceptable. Moreover, the impact on wildlife is considered acceptable.</p>		
Recommended Decision	This planning application is recommended for approval subject to conditions set out at Paragraph 8 of the Report.		

MAIN REPORT

1. Development Plan

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

- LO1 (Flooding)
- EN1 (Design of New Development)
- EN8 (Protecting and Improving the Landscape and Biodiversity)
- EN9 (River Thames and its Tributaries)

➤ EN10 (Recreational Use of the River Thames)

1.2 The following saved Local Plan policy is considered relevant to this proposal:

➤ RU11 (Sites of Nature Conservation Importance)

1.3 The National Planning Policy Framework 2019 is also relevant.

2. Relevant Planning History

PA/01/0153	Enhance Market Sq., relocate War Memorial to Market Sq., alter vehicular access to Market Sq., Create an enlarged landscaped public riverside Open space on the site of Memorial Gardens/ Riverside Car Park with canopies & water features, Alter vehicular access to Riverside Car Park, Reduction in number of parking spaces, reconstruct /alter Riverside retaining wall and banks, erect new Moorings.	Approved 25/05/2001
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3. Description of Current Proposal

3.1 The application relates to the Riverside Memorial Gardens in Staines-upon – Thames, and in particular the existing ‘Bandstand’ which adjoins the River Thames. The ‘Bandstand’ and its associated seating and walkways were created as part of the Market Square and Memorial Gardens improvement works granted planning permission in 2001 (PA/01/0153).

3.2 The site is located within the urban area (as is the River Thames itself). It is also located within an area liable to flood (Flood Zone 3b – greater than 1 in 20 year chance of flooding). The River Thames and its riverbank is designated as a Site of Nature Conservation Importance.

3.3 The proposal involves the installation of a steel jetty to provide a passenger boat landing stage together with the installation of piles. The jetty will measure 5.91 metres in length and 1.55 metres in width. The jetty will attach to the existing river wall of the ‘Bandstand’. A steel entrance gate and associated barriers will be installed to prevent unauthorised access. The 2 no. proposed piles will measure some 3 metres in height above the water level. They comprise an ‘upstream pile and a ‘downstream pile’ to accommodate vessels with different loading gates.

3.4 With regard to the proposed usage of the jetty, the applicant states that:

“The proposed jetty is purely for the use of commercial river buses to pick up and drop off passengers on a scheduled timetable between April and October each year. It is not for public use. At the moment there is a regular service at Hampton and at Windsor. This would provide a stop-off between the two. There is a mooring (not a jetty) situated at the rear of the Old Town Hall, this is for public use [Officer note: there is also a public mooring near the Thames Lodge Hotel]. A scheduled riverboat service cannot be operated there due to the inability to secure a dock at the mooring at a given time,

because if there are public boats in situ, river buses cannot dock. As a consequence it is impossible to design a timetable because they may have passengers who want to get off at Staines, but cannot moor as there is no room. The purpose of the jetty is to give river buses the ability to set up a scheduled service in the confidence they will be able to deliver it. This will give Staines an added attraction of bringing people into the town to get on the boat and others visiting the town when they get off.”

3.5 The proposed site layout plan and elevations are attached as an Appendix.

4. Consultations

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

Consultee	Comment
County Highway Authority	No objection
Environment Agency	No objection subject to conditions
Group Head - Neighbourhood Services	No objection
Crime Prevention Officer	No objection
Surrey Wildlife Trust	No objection
Tree Officer	No objection
Runnymede Borough Council	No objection
Rights of Way Officer (Surrey County Council)	No comments received

5. Public Consultation

5.1 17 properties were notified of the planning application. A statutory site notice was displayed and the application was advertised in the local press. Whilst no letters of objection have been received, the Council has received 1 letter of support from a local resident.

6. Planning Issues

- Principle
- Impact on the setting of the River Thames
- Flooding
- Biodiversity

7. Planning Considerations

Principle

7.1 The site is located within the urban area and includes part of the River Thames. Policy EN10 of the Core Strategy and Policies DPD (CS & P DPD) states that facilities which support the recreational use of the River Thames will be safeguarded and promoted by supporting the maintenance and provision of visitor facilities, including those for access to the water.

- 7.2 The proposal involves the creation of a new jetty on the river to provide a new passenger boat landing stage with a scheduled service. It will create a new river related visitor facility which will encourage more people to use the river and visit Staines-upon Thames. The proposal is therefore considered to meet the requirements of Policy EN10 and is acceptable in principle.

Impact on the River Thames

- 7.3 Policy EN9 (River Thames and its Tributaries) of the CS & P DPD states that the Council will seek to maintain and look for opportunities to enhance the setting of the River Thames and its tributaries. In considering development proposals it will:

- (a) ensure the protection of landscape features that contribute to the setting of the rivers,
- (b) seek to protect and enhance existing views of the rivers,
- (c) pay special attention to the design of development located in riverside settings to ensure that it respects and makes a positive contribution to the setting of the rivers,
- (d) ensure that the quality of the water environment is maintained,
- (e) seek opportunities to improve public access to and alongside the rivers and ensure that existing public access is maintained.

- 7.4 It is considered that the proposal will have an acceptable impact on the setting of the River Thames and meets the requirements of Policy EN9. The proposal is a form of river related development and will appear in context with the other existing moorings nearby. The proposal will make a positive contribution to the river by encouraging more people to use passenger boats and visit Staines-upon-Thames. The impact on the riverbank will be minimal. It is not considered that the proposed steel gate and other associated barriers would have an adverse impact on the existing views of the river. The Environment Agency was consulted and has responded by raising no objection to the location of the new jetty.

Flooding

- 7.5 This area of the Memorial Gardens is located within the Flood Zone 3b (functional floodplain), which has a greater than 1 in 20 year chance of flooding. The National Planning Policy Guidance (NPPG) stipulates that only water compatible uses are appropriate in this particular high risk flood zone.
- 7.6 It is considered that the proposed jetty and associated piles constitute a water compatible form of development and consequently the proposal is considered acceptable in principle on flooding grounds. Moreover, the proposed structure is not considered to cause an adverse impact on the impedance of flood flows. The Environment Agency was consulted and responded by raising no objection to the proposal on flooding grounds.

Biodiversity

- 7.7 Policy EN8 of the CS & P DPD states that the Council will seek to protect and improve the landscape and biodiversity of the Borough by ensuring that new development, wherever possible, contributes to an improvement in the landscape and biodiversity and also avoids harm to features of significance in the landscape or of nature conservation interest. It is also important to note the guidance regarding protected species in Circular 06/2005. This states that *"it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision."* The NPPF states that *"If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused."*
- 7.8 The River Thames and its riverbank is designated as a Site of Nature Conservation Importance (SNCI). The fringing habitat provide a corridor for species migration and acts as a buffer zone to protect the river related environment. A small part of the existing riverbank vegetation will need to be cut back to make way for the new jetty. The applicant has submitted an Ecological Appraisal which assesses the impact on the SCNI and ascertain the presence of any protect species that could be affected.
- 7.9 The Ecological Appraisal concludes that the proposed jetty is unlikely to have a significant impact on any protected species and does not recommend any further surveys to be carried out. However, it does recommend that a number of precautionary measures to be taken during the construction phase and some ecological enhancement measures, which can be controlled by the imposition of a condition. The Surrey Wildlife Trust was consulted and has responded by raising no objection subject to the precautionary and enhancement measures being carried out (the Environment Agency also recommend a similar condition). Subject to the imposition of a condition, it is considered the impact on wildlife is acceptable.

Other Matters

- 7.10 It is relevant to note that there is an existing ramp leading from the riverside path down to the lower level of the 'Bandstand' and consequently, the new jetty will be accessible for disabled people.
- 7.11 The proposal will not have any impact on the adjacent Thames Path, which is a National Trail footpath running for 180 miles along the banks of the River Thames (it will also not affect the National Cycle Network).

Equality Act 2010

- 7.12 This planning application has been considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:
- 7.13 The elimination of discrimination, harassment and victimisation;

The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;
The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights Act 1998

- 7.14 This planning application has been considered against the provisions of the Human Rights Act 1998.
- 7.15 Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.
- 7.16 Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, i.e. peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.
- 7.17 In taking account of the Council policy as set out in the Spelthorne Local Plan and the NPPF and all material planning considerations, Officers have concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by the approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

Financial Considerations

- 7.18 Under S155 of the Housing and Planning Act 2016, Local Planning Authorities are now required to ensure that potential financial benefits of certain development proposals are made public when a Local Planning Authority is considering whether or not to grant planning permission for planning applications which are being determined by the Council's Planning Committee. A financial benefit must be recorded regardless of whether it is material to the Local Planning Authority's decision on a planning application, but planning officers are required to indicate their opinion as to whether the benefit is material to the application or not.
- 7.19 There are no financial considerations which are material or not material in the determination of this proposal.

8. Recommendation

- 8.1 GRANT subject to the following conditions: -
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason:- This condition is required by Section 91 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Drawing No. 3 received 05 November 2019
 - Site location plan received 11 December 2019
 - 2665-RDJWL-XX-XX-DR-A-0010 Rev. P1; /0020 Rev. P2 received 16 December 2019

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

3. The development shall be carried out in accordance with the submitted FRA (ref. FRA and D&A statement by Riverworks) and the proposed layout plan 2665-RDJWL-XX-XX-DR-A-0020 Rev. P2, drawing no. 3 by Walcon and the following mitigation measures it details:
 - The proposed jetty and handrail shall be open to river flow and flood water

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason:- To prevent increased flood risk elsewhere. This is supported by Policy LO1: Flooding in the Core Strategy and Policies DPD 2009 and paragraph 163 of the National Planning Policy Framework 2019.

4. No development shall take place until a landscape and ecological plan has been submitted to and approved in writing by the Local Planning Authority. The landscape and ecological management plan shall be carried out as approved. The scheme shall include the following elements:
 - Details demonstrating how the watercourse and surrounding ecology will be protected during development and managed over the longer term.
 - Details of any lighting.
 - Details of any new habitat created on-site, including planting of native species, bat and bird boxes, wood piles.

Reason:- To protect and encourage wildlife on the site.

Informatives

This statement is provided in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. Spelthorne Borough Council seek to take a positive and proactive approach to development proposals. We work with applicants in a positive and proactive manner by -

- Offering a pre application advice service
- Where pre-application advice has been sought and that advice has been followed, we will advise applicants/agents of any further issues arising during the course of the application
- Where possible officers will seek minor amendments to overcome issues identified at an early stage in the application process.

However, Spelthorne Borough Council will generally not engage in unnecessary negotiation for fundamentally unacceptable proposals or where significant changes to an application are required.

Pre-application advice was not sought prior to submission and the application was acceptable as submitted.