

# Planning Committee

16 September 2020



<b>Application No.</b>	20/00123/OUT		
<b>Site Address</b>	Bugle Nurseries, Upper Halliford Road, Shepperton, TW17 8SN		
<b>Applicant</b>	Angle Property (RLP Shepperton) LLP		
<b>Proposal</b>	Outline application with all matters reserved other than 'access' for the retention of existing dwelling and demolition of all other existing buildings and structures and the redevelopment of the site for up to 31 dwellings along with the provision of public open space and other associated works for landscaping, parking areas, pedestrian, cycle and vehicular routes.		
<b>Officers</b>	Paul Tomson/Kelly Walker		
<b>Ward</b>	Halliford and Sunbury West		
<b>Call in details</b>	N/A		
<b>Application Dates</b>	Valid: 19/02/2020	Expiry: 20/05/2020	Target: Extension of time agreed
<b>Executive Summary</b>	<p>This outline planning application proposes the demolition of most of the existing buildings and structures (existing bungalow is retained) and the redevelopment of the site for a residential development comprising up to 31 dwellings provision of open space, and other associated works. All matters are reserved at this stage other than 'access'.</p> <p>The site is located within the Green Belt. Whilst the new dwellings and roadways will be sited entirely within the existing industrial land (i.e. the previously developed land), the scale and extent of the buildings will be much greater than the existing buildings and the proposal constitutes '<i>inappropriate development</i>' in the Green Belt causing unacceptable loss of openness.</p> <p>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>		
<b>Recommended Decision</b>	The application is recommended for refusal.		

## **MAIN REPORT**

### **1. Development Plan**

1.1 The following policies in the Council's Core Strategy and Policies DPD 2009 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 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	Refused 30/07/2018

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
19/01022/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 43 residential homes, a 62-bed car home and the provision of open space, plus associated works for landscaping, parking areas, pedestrian, cycle and vehicular routes.	Refused 13/11/2019

2.1 With regard to 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 application 19/01022/OUT, this was refused 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.

### **3. Description of Current Proposal**

- 3.1 This planning application for residential development, is the fourth to be submitted over the last few years, The planning history above shows that 2 of these were refused and one withdrawn. This application is again an outline proposal with all matters reserved other than 'Access' and it proposes the demolition of the existing buildings and structures and the redevelopment of the site for a residential led development comprising up to 31 residential homes and the provision of open space, plus associated works for landscaping, parking areas, pedestrian, cycle and vehicular routes.
- 3.2 The application site comprises an area of 4.84 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. The existing buildings on the site are limited in number and scale, as they are single storey only and they therefore have very little impact on the visual amenity of the locality.
- 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 This outline planning application proposes the demolition of most of the existing buildings and structures (the existing bungalow is retained) and the redevelopment of the site for a residential development comprising up to 31 dwellings provision of open space, and other associated works. All matters are reserved at this stage other than 'access'. 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. The plans indicate one way in which the site could be developed with the exception of 'Access' as defined below.
- 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 31 dwellings, to provide 8 no. 1 bed flats, 17 no. 2 bed houses, 4 no. 3 bed houses and 2 no. 4 bed houses.
- 3.11 There is also shown to be a small play area in the indicative layout which will be accessible by residents of the proposed scheme.

- 3.12 The indicative plans show that a total of 54 parking spaces will be provided. Parking is illustrative to be provided mainly to the front of the buildings. 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 31 dwellings are shown to be provided, comprising 8 no. 1 bed flats, 17 no. 2 houses, 4 no. 3 bed houses and 2 no. 4 bed houses. The applicant is also proposing that 15 dwellings will be affordable which equates to 48%, with 10 affordable rented and 5 intermediate.

## **4 Consultations**

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

<b>Consultee</b>	<b>Comment</b>
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. (Officer note: as the application is an outline one with only access to be considered at this stage, further details would be required as part of any reserved matters of full application).
Local Lead Flood Authority (Surrey County Council)	No objection subject to conditions.
County Archaeologist	No objection. Recommends an informative
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	Ongoing correspondence with applicant in relation to making the railway crossing safe for users of the footpath
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 71 properties were notified of the planning application. Furthermore, a statutory site notice was displayed and the application was advertised in the local press. Letters of representation were received from 12 properties. 9 properties were in support of the application (including one from Shepperton Residents Association), 2 properties were against the proposals and 1 was from the SCAN Officer making comments.

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, contaminated land on site, air pollution
- impact on climate change
- loss of trees
- loss of privacy
- overcrowding of housing in the area
- impact on local facilities such as schools and doctors
- 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 habitat
- dwellings should be accessible

5.3 Reasons for supporting include:-

- benefit to the community to provide public access to open land
- proposal would enhance the area -
- site appears as a brownfield site already
- 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)
- noise



## **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 Borough-wide Green Belt Assessment 2017 Stage 1 and therefore the site was considered unsuitable for development. As such the site has been classified 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 Green Belt Assessment Stage 2 published in December 2018. 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 The Council completed its 'Preferred Options Consultation' (Regulation 18) in January 2020 as part of its preparation for a new Local Plan for the Borough. Whilst the Preferred Options Consultation Document proposed 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 was not 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) 2019.
- 7.4 The Council has embarked on a review of its Local Plan and acknowledges that the housing target in its Core Strategy and Policies DPD February 2009 of 166 dwellings per annum is more than five years old and therefore the five year housing land supply should be measured against the area's local housing need calculated using the Government's standard method. The standard method for calculating housing need is based on the 2014 household growth projections and local affordability. This equates to a need of 606 dwellings per annum in Spelthorne. This figure forms the basis for calculating the five-year supply of deliverable sites.
- 7.5 Government guidance (NPPF para 73) requires the application of a 20% buffer "where there has been significant under delivery of housing over the previous three years". In addition, guidance on the Housing Delivery Test indicates that where housing delivery falls below 85%, a buffer of 20% should be applied to the local authority's five year land supply. The Housing Delivery Test result for Spelthorne Borough Council was published by the Secretary of State in February 2020, with a score of 60%. This meant that the Council had undelivered housing when compared to need over the previous three years. As a consequence, a buffer must be applied and the Council's Housing Delivery Test Action Plan which was produced in 2019, when the test result was 63%, is being updated. The action plan positively responds to the challenge of increasing its housing delivery and sets out actions to improve delivery within the Borough.
- 7.6 The NPPF requires a local authority to demonstrate a full five year supply of deliverable sites at all times. For this reason the base date for this assessment is the start of the current year 1 April 2020, but the full five year time period runs from the end of the current year, that is 1 April 2021 to 31 March 2026. The 20% buffer will therefore be applied to this full period. National guidance sets out that the buffer should comprise sites moved forward from later in the plan period. A 20% buffer applied to 606 results in a figure of 727 dwellings per annum, or 3636 over five years.
- 7.7 In using the objectively assessed need figure of 727 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 Strategic Land Availability

Assessment (SLAA) which identifies potential sites for future housing development over the plan period.

- 7.8 The sites identified in the SLAA as being deliverable within the first five years have been used as the basis for a revised five year housing land supply figure. Spelthorne has identified sites to deliver approximately 3518 dwellings in the five year period.
- 7.9 The effect of this increased requirement with the application of a 20% buffer is that the identified sites only represent a 4.8 year supply and accordingly the Council cannot at present demonstrate a five year supply of deliverable housing sites.
- 7.10 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.
- 7.11 However, It is important to note that the NPPF at footnote 6 confirms that the "tilted balance" approach should not be applied to protected areas such as land designated as Green Belt (as is the case in this particular application), 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 (as demonstrated later in the report), it is considered that the "tilted balance" approach is not applicable in this particular case. In the Green Belt the correct decision making matrix indicates that one identifies harm by way of inappropriateness and any other harm including, but not restricted to, other harm to the Green Belt and allocate substantial weight to harm to the Green Belt. Then in balancing the benefits of any material considerations very special circumstances will only exist if the benefits clearly outweigh the harm by way of inappropriateness and any other harm.
- 7.12 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). 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 permitted this may set a precedent for other Green Belt sites to be developed for housing in the borough.
- 7.13 Whilst Policies HO1 and HO2 are out of date, the policies set the framework for the spatial strategy and the strategic approach to decision making. 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 states 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 also suggest that should housing need change, then Green Belt release may need to be considered and further assessed which has more recently been carried out. As noted above the application site was not put forward as one of the proposed site allocations as the site is part of a wider area of strongly performing Green Belt and therefore this is considered to outweigh the opportunity to meet housing needs on the basis that development could weaken the wider strategic Green Belt.

#### Principle of the development

- 7.14 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.”*

- 7.15 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. It is noted that Policies HO1 and HO2 are out of date, as they do not deliver the current housing needs of the Borough. However, the policies still provide the spatial strategy and strategic approach to decision making and it is considered that they are still particularly relevant and have significant weight.

#### Green Belt

- 7.16 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 Council’s Saved Local Plan Policy GB1 is broadly consistent with the NPPF..
- 7.17 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.*

7.18 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. Whilst Policy GB1 is a relevant development plan policy, because of the 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

7.19 The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

7.20 Paragraphs 145 and 146 of the NPPF allow for some exceptions to inappropriate development, one of which is 145(g):

*“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.”*

7.21 The starting point is consider if the site comprises 'previously developed land' (PDL) and in particular, if the proposed housing development would be located wholly within the PDL area of the site. A definition of PDL is provided in the NPPF:

*“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.”*

7.22 It is considered that the existing industrial estate located towards the eastern side of the site comprising the commercial buildings, hardstanding and the access road from Upper Halliford Road constitutes PDL. Unlike the schemes in the previous three planning applications, the proposed housing component

of the current application is shown to be located entirely within the PDL of the industrial estate. Whilst layout is not a matter for consideration at this stage, such matters can be conditioned if outline permission was to be granted. There will be no encroachment into the paddock at the rear, nor will there be any new development within the curtilage of the existing bungalow or the green space to the south of the access road.

- 7.23 As the proposed housing development is to be located entirely on the PDL, it is necessary to consider if the proposal fits into the 'inappropriate development exception' in Paragraph 145(g) of the NPPF. The applicant confirms that 15 of the 31 units (48.4%) will be affordable, of which will be 10 are for rent and 5 for intermediate. This complies with the requirements of Policy HO3 of the Council's Core Strategy and Policies DPD 2009. There is an identified need for this type of affordable housing in the Borough and the proposed affordable units would help towards meeting this need. Consequently, the proposal then has to be considered against bullet point 2 of Paragraph 145(g). In particular, it is necessary to consider if the proposal will '*not cause substantial harm to the openness of the Green Belt*'.
- 7.24 Below is a table setting out the existing buildings to be demolished and the proposed footprint, floorspace, and height. The figures in brackets represent the increase of the previous refused scheme (19/01022/OUT). It is relevant to note that the existing bungalow fronting Upper Halliford Road is being retained and does not form part of the existing buildings to be demolished.

	<b>Footprint</b>	<b>Floorspace (GEA)</b>	<b>Maximum Height</b>
Existing	937.7 sq.m	937.7 sq.m	4.66m
Proposed	1,515sq.m (3,436 sq.m)	3,030sq.m (6,216 sq.m)	8.7m (10m)
<b>Percentage Increase on Existing</b>	<b>62%</b> <b>(220%)</b>	<b>223%</b> <b>(479%)</b>	<b>86%</b> <b>(79%)</b>

- 7.25 The above figures demonstrate that there will be a substantial increase in built development on the PDL land. For example, the proposed floorspace will be more than 3 times the level of the existing floorspace (a 223% increase on the existing), whilst the proposed height of the buildings will be nearly double, even the tallest existing building. Even the increase in footprint on its own is substantial. Moreover, it is important to note that the existing buildings are clustered in one particular area of the PDL of the site, whilst to accommodate the number of dwellings proposed they will be spread across the whole of the PDL, as shown on the indicative plans. Consequently, it is considered that the proposal would cause substantial harm to the openness of the Green Belt and would not fit into the exception in paragraph 145(g) of the NPPF. It therefore constitutes *inappropriate development* in the Green Belt.
- 7.26 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, the proposed parking areas and access road (which are engineering operations) are required in connection with the overall housing 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

7.27 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."*

7.28 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

7.29 The proposal will result in a substantial loss of openness of the Green Belt. As mentioned above, large areas of the industrial estate are not occupied by any buildings (only hardstanding). The existing industrial buildings are single storey and low profile, and are clustered in a relatively small part of the site. Most of the PDL is not occupied by buildings (only hardstanding). 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 8.7 metres in height across the whole width of the site will clearly lead to a much greater loss of openness, both spatially and visually. 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.

7.30 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 new houses and flats will be approximately 8.7 metres. The applicant has also submitted indicative elevations showing the proposed buildings broadly consistent with these height limits.

7.31 The proposal is considered to harm the character and 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 new housing development will be visible when viewed from Upper Halliford Road along the new access road, and this will appear more built up and greater in scale compared to the

existing industrial site. The proposed development will also be seen from the public footpath that runs adjacent to the northern boundary.

- 7.32 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 development would erode this well-defined boundary and create urban sprawl.

- 7.33 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.”*

- 7.34 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

- 7.35 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.”*

- 7.36 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.
- 7.37 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. The proposed development is located only on previously developed land.

- 7.38 Notwithstanding this, the proposal involves the creation of 31 residential properties and the proposed housing density is approximately 30 dwellings per hectare (dph) on the developed part of the site.

Design and appearance

- 7.39 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.”*
- 7.40 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.
- 7.41 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 relatively green and open, and has planting on the road frontage which shields the uses behind and provides a pleasant street scene.
- 7.42 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.
- 7.43 The scale of the proposed buildings is shown on the indicative plans submitted. The applicant notes that the proposed dwellings will be over 2 storey and state in the submitted Design and Access Statement that, *‘... the maximum heights of these 2 storey buildings may vary according to the geometry of the roof form. The site has very little variation in level upon it, so none of the building groups will be of particular visual significance’*
- 7.44 The built form has been set back further from the main street frontage of Upper Halliford Road compared to the previous schemes. The existing small low level bungalow and garden (which is not previously developed land) will be retained. Therefore 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. Although

indicative, should the principle of developing the land be acceptable this is considered of itself 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 are indicated at this stage to be mainly detached, fronting the road ways with their gardens generally located behind. Notwithstanding Green Belt objections, the proposed layout is considered to be acceptable of itself on design grounds.

- 7.45 Landscaping is also reserved at this stage but 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, adjacent to the roadway. 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, notwithstanding Green Belt objections, the proposed development is considered to be acceptable in design terms and generally conforms with 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. 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 is shown to be set back from the common boundary by at least the minimum 10.5m requirement as set out in the SPD. In addition they are shown to 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 indicative layout exceeds this requirement (due to the long gardens of properties in Halliford Close). It should be noted that the layout is indicative at this stage, however it has been demonstrated that the proposal could have an acceptable relationship with the existing dwellings and would not lead to a significant impact in terms of causing overlooking or loss of privacy or being overbearing.
- 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 with gardens and car parks with landscape buffers adjoining. As such the proposal will have an acceptable relationship with the existing properties on Upper Halliford Road. The dwelling to the north will be located 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 dwellings are 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 be capable of having 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 and 10 sq. m for the next 5 units. On this basis some 205 sq. m would be required for the 8 flats in total. Each of the block of flats has an indicative garden area which will ensure that there is an acceptable level of amenity space for the occupants of the flats, conforming to Policy EN1.
- 7.53 The proposed houses have, in the illustrative layout, their own private gardens and the SPD requires this to be a minimum of 70 sq. m for each of the 4 or 3 bed houses, or 60 sq. m for the 2 bed houses. The indicative proposal does meet this requirement 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

- 7.54 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 for

2 and 3 storey houses. For example, the minimum standard for a 1-bedroom flat for 2 people is 50 sq. m.

- 7.55 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.
- 7.56 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

- 7.57 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.”*

- 7.58 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.*

- 7.59 The County Council was consulted as the County Highway Authority (CHA) and has raised 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.
- 7.60 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.

- 7.61 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 with the applicant, 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.

- 7.62 Subject to the recommended conditions, the highway and access arrangements are considered to be acceptable.

#### Parking Provision

- 7.63 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.
- 7.64 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).
- 7.65 The illustrative proposed parking provision for the residential properties is 54 spaces. The Council's Parking Standards as set out in the Supplementary Planning Guidance requires 43.5 spaces for the dwellings and flats. As such the proposed parking provision is policy compliant.
- 7.66 The submitted Transport Assessment has applied Spelthorne Borough Council's parking standards to identify acceptable parking provision levels for each use on site. Overall, 54 have been provided for the residential development, 48 of these allocated to particular units. 6 spaces are therefore available within the site to be used flexibly to accommodate variable demand.
- 7.67 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.

- 7.68 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

- 7.69 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's policy is to seek 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.
- 7.70 The applicant is proposing to provide 15 affordable housing units, (10 for affordable rent and 5 for shared ownership). The 15 units represent an affordable housing provision of 48%. Given the total number of units is odd, (i.e. 31) it is considered acceptable to provide 48% rather than 50%.
- 7.71 Policy HO3 states that the provision within any one scheme may include social rented and intermediate units, subject to the proportion of social rented of at least 65% of the total affordable housing component. The proposal is to provide two thirds, 66% (10 out of the 15 units) as affordable rent, therefore the provision is considered acceptable and counter balances the small deficit from the 50% policy starting point. If the scheme was considered acceptable and outline permission was to be granted such measures could be secured by way of a section 106 undertaking.

#### Flooding

- 7.72 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).
- 7.73 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.
- 7.74 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.
- 7.75 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.

- 7.76 The Lead Local Flood Authority at Surrey County Council has been consulted on the proposed sustainable drainage scheme and raise no objections to the 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

- 7.77 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.
- 7.78 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 consider that they do not need to meet our renewable requirement due to updates to the NPPF. The Council's 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 the renewable energy proposals would be unacceptable, if this level of detail was required to be assessed as part of this application, because it 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 has not been a reason to refuse the scheme previously.

#### Ecology

- 7.79 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.
- 7.80 The site includes a number of buildings and trees, which are capable of being used as a habitat for protected species (i.e. bats).
- 7.81 Since the determination of the previous application, further bat surveys have 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.
- 7.82 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 has 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. The applicant has submitted a landscape masterplan and it is considered that subject to conditions requiring its implementation together with other wildlife enhancement measures, the proposal will lead to an increase in wildlife on the site.

#### Open space

- 7.83 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 23 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 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. Such matters will be resolved with a detailed layout plan at reserved matters stage however, it is considered that the proposed open space is acceptable.

#### Dwelling mix

- 7.84 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.'*
- 7.85 The number of smaller units (1 bed and 2 bed units) is 25 out of the total 31 units and equates to 80% of the total units. As such the proposal complies with Policy HO4 and is acceptable.

#### Archaeology

- 7.86 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.
- 7.87 The County Archaeologist was consulted on the application and following the submission of a report, recommends an informative, therefore the impact of the development on archaeology is considered acceptable.

#### Impact on Trees/Landscaping

- 7.88 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 development is set back from Upper Halliford Road to ensure an acceptable relationship with the preserved Oak Tree on the north eastern corner of the site.

- 7.89 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.*'
- 7.90 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. Most of the car parking is provided along the road frontage in front of the dwellings, which is broken up by areas of landscaping to help to soften its appearance. The area to the rear of the site will be landscaped 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.
- 7.91 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

- 7.92 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

- 7.93 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.
- 7.94 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

- 7.95 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

- 7.96 With regard to the Crime Prevention Officer's previous comments, as with the previous schemes, 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 with this being an outline application, this level of detail is not covered. This could be brought to the attention of the applicant by adding an informative.

#### Other matters

- 7.97 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
- 7.98 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.

#### Equalities Act 2010

- 7.99 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 to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The question in every case is whether the decision maker has in substance had due regard to the relevant statutory need, to see whether the duty has been performed.

- 7.100 The Council's obligation is to have due regard to the need to achieve these goals in making its decisions. Due regard means to have such regard as is appropriate in all the circumstances.

It is considered that this proposal may affect individuals with protected characteristics specifically the impact of the development on disabled people. However, given the application is at a outline stage and design is not under consideration.

#### Human Rights Act 1998

- 7.101 This planning application has been considered against the provisions of the Human Rights Act 1998.
- 7.102 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.
- 7.103 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.
- 7.104 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

- 7.105 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

- 7.106 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) ***Housing Delivery***
- iii) ***Removal of bad neighbour uses***
- iv) ***Remediation of the contaminated land***
- v) ***Regeneration of the site***
- vi) ***Provision of public open space***
- vii) ***Local community views***
- viii) ***The proposal does not conflict with the purposes of the Green Belt***

7.107 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***

7.108 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 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 and substantially since the original proposal.
- The proposed landscaping masterplan provides for retention or replacement of existing boundary landscaping, which would be held in the control of a management company. Additional planting is proposed within the public open space and the housing area.
- The application proposes a total of 3,545 sqm of hardstanding. This presents a 60% reduction in hardstanding area from the existing amount of 9,503 sqm.
- There will be a 30% 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 (48.4%) 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

7.109 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.

7.110 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 can be given to this particular matter as a material consideration in the circumstances of this application..

### ***ii) Housing delivery***

7.111 The applicant considers that at present the Council cannot demonstrate a 5 year housing land supply against the objectively assessed housing need. The potential to release Green Belt to meet other strategic requirements is under review as part of the emerging Local Plan process. The emerging Plan has been subject to delay and will take some time to work through the evidence gathering, consultation and other statutory processes. In the meantime the housing supply position puts into sharp focus the need to look at bringing forward sites that are, in principle, suitable for housing development and will contribute towards meeting the acute need for additional homes.

7.112 The current proposals are therefore of strategic significance in terms of addressing the immediate need for new housing and affordable housing by providing 31 units within the short term. It is possible to provide affordable housing as part of this proposal by safeguarding 48% of the units to meet this need. This exceeds the policy requirement of 40% of all net additional dwellings completed and the average of only 4% that has been secured on other sites in Spelthorne.

7.113 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

7.114 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 48% of the units on the application site to be affordable, which is in accordance with and not in excess of the requirement of Policy HO3 (Affordable Housing) of the Core Strategy and Policies DPD.

7.115 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 and leads to clear harm to such considerations as demonstrated earlier. 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

7.116 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**

7.117 Notwithstanding the lack of ‘tilted balance’ in this case, it is acknowledged that the existing housing need and supply position in the Borough is an issue, and that the proposed provision of 31 dwellings, including 15 affordable units, is a

benefit in favour of the development. It is considered that this should be given significant weight in favour of the development.

**iii) Removal of Bad Neighbour Uses**

- 7.118 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.
- 7.119 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.
- 7.120 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 evidenced 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.
- 7.121 The application proposal will therefore result in comprehensive redevelopment of the site for residential uses 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**

- 7.122 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. Two 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 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. Its removal can be considered a benefit in favour of the development. It is considered that the removal of the industrial uses and waste transfer station and replacement with housing should, in combination, be given moderate weight in favour of the development.

**iv) Remediation of the contaminated land**

- 7.123 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

- 7.124 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 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 or this industrial site.

**v) Regeneration of the site**

- 7.125 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

- 7.126 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 existing development parts of the site are occupied by hardstanding and low level buildings which are modest in their impact. 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) Provision of public open space**

- 7.127 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. This accords fully with Paragraph 141 of the NPPF which supports planning positively for such beneficial uses in the Green Belt.

#### Response

- 7.128 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 stated in the previous application 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 (if it was to be transferred to the Council in a Section 106 agreement) would be dependent on what was to be put there. She stated that there should be justification for its need but she did not think there is one in this particular case and this continues to be relevant to this scheme. It is considered that the balance of benefit from providing this open space would be enjoyed by future residents of the application site as opposed to the wider public. Consequently, it is considered that only limited weight should be given to this benefit in favour of the proposal.

#### **vii) Local community views**

- 7.129 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

- 7.130 It is acknowledged that some 29 'petition-style support cards and 2 letters of support were received with the previous application. In relation to the current application, letters have been received from 9 separate dwellings in support of the scheme. However, 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.

**viii) The proposal does not conflict with the purposes of the Green Belt**

- 7.131 The applicant considers that the proposal does not conflict with any of the five purposes of Green Belt set out in paragraph 134 of the NPPF. With regard to Objective 1 (to prevent urban sprawl), the proposed scheme is well contained and relates to the land that has already been developed. With regard to Objective 2 (to prevent merging settlements), the Upper Halliford area is continuous from the village to the railway station. The application site is located between the two, is previously developed and does nothing to prevent the merging of settlements. The proposal also does not conflict with Objective 3 (to safeguard encroachment on the countryside), Objective 4 (to preserve the setting and special character of historic towns), and Objective 5 (to assist regeneration encouraging the recycling of derelict and other urban land).

Response

- 7.132 The proposal is considered to conflict with Green Belt purposes (or Objectives) 1 (to prevent urban sprawl) and 2 (to prevent the merging of towns) for the reasons given earlier in the report. Whilst it is recognised that the proposed built development is wholly focussed on the land covered by the existing industrial estate, the scale of the existing buildings is relatively small and clustered in one particular area of the site. In comparison, the proposed housing development will create a continuous belt of 2-storey development across the whole width of the site. In any case put at its highest the applicant's case of no harm (which is not accepted) cannot rationally be considered a benefit of a proposals in the Green Belt. It is considered that no weight should be given to this particular consideration put forward by the applicant in favour of the development.

Conclusion

- 7.133 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 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. It will harm the character and 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.
- 7.134 It is recognised that the current application site includes the rear part of the Bugle Nurseries site and that the provision of the open space with landscaping are 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. Significant weight is given to the supply of additional housing in the Borough that the proposal will create,

including the provision of affordable housing. 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.

7.135 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.