

Planning Committee

9 March 2016



Application No.	15/00173/FUL		
Site Address	Land adjacent Revelstoke, Towpath, Shepperton		
Proposal	Change of use of part of land from vegetable / garden patch to a 16 space car park for residents of Pharaoh's Island with associated boundary treatment, landscaping and access.		
Applicant	Spelthorne Borough Council		
Ward	Shepperton Town		
Call in details	N/A		
Case Officer	Matthew Clapham		
Application Dates	Valid: 27.5.15	Expiry: 23.7.15	Over 8 weeks
Executive Summary	<p>The application is made by this Authority for the change of use of part of the land to a 16 space car park with gated access directly to the Towpath. This car park would solely serve the residents of Pharaoh's Island who would lease the spaces directly from the Borough of Spelthorne. The proposal would retain a smaller area of gardening land to the rear with a gated pedestrian access from the rear of the site. The proposal includes various planting areas and boundary fencing and railings, together with low level lighting.</p> <p>In view of the site's location in the Green Belt, it is accepted that the creation of a car park would be 'inappropriate' development. However, I consider that 'very special circumstances' exist that justify the proposed change of use and the proposal results in an improvement to the visual amenity of this section of the Thames side. It is also considered that there would modest improvements in flood risk and highway safety terms.</p>		
Recommended Decision	This application is recommended for approval.		

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:

- GB1 - Saved Local Plan Policy (Green Belts)
- LO1 - Flooding
- EN1 - Design of New Development
- EN3 - Air Quality
- EN7 - Tree Protection
- EN9 – River Thames and its Tributaries
- EN13 - Light Pollution

2 RELEVANT PLANNING AND OTHER HISTORY

2.1 This site has no relevant planning history. It has been used as a vegetable patch / garden land for many years for the benefit of a local resident under a lease for that use by the Borough Council.

3 DESCRIPTION OF CURRENT PROPOSAL

- 3.1 The application site is a rectangular shaped piece of land to the north of the Towpath adjoining the River Thames. To the east and west are residential dwellings and to the rear is open land with dwellings beyond in Reed Place. Immediately opposite the site is open space between the Towpath and riverbank and beyond is Pharaoh's Island. The land is open in character and forms part of the designated Green Belt and is located within the functional flood plain – zone 3b.
- 3.2 The proposal seeks to provide 16 car parking spaces on an existing area of open garden land for the sole use by residents of Pharaoh's Island. Currently the residents of the Island park on the roadside. There are 23 properties on Pharaoh's Island.
- 3.3 The proposal includes landscaping to all sides of the parking area, including the retention of some existing trees to the front of the site. A grass verge is to be provided to the very front of the site with the remaining landscaped areas comprising low level mixed planting of a type and species to be agreed, but to be in keeping with the nature of planting in the area. The car parking surface would be made up of self-binding gravel and defined by semi-circle logs laid out on the ground. Lighting would be provided by low level bollards controlled by movement sensors. There would be a 1.8m wooden fence to the side and rear boundaries with 1m high metal railings and gates to the front to allow views of the area from the street scene for aesthetical and security purposes. The remainder of the plot to the rear of the car park will be retained as garden land.

3.4 Copies of the proposed site layout are provided as an Appendix.

4 CONSULTATIONS

4.1 The following table shows those bodies consulted and their response

Consultee	Comment
County Highway Authority	Raises no objections.
Environment Agency	Satisfied that it is Council's responsibility to conclude on the compatibility or otherwise of this form of development in flood risk terms.
Environmental Health	No objections although concerns raised over runoff potentially containing fuels from entering the main sewer system and/or the adjacent River Thames.

5 PUBLIC CONSULTATION

8 letters of notification have been sent to adjoining residents and a site notice displayed. To date two letters have been received making general comments about the need for the facility, the need for yellow lines to restrict parking on the highway, the general lack of parking in the area and access issues when cars are parked along the Towpath.

6 PLANNING ISSUES

- Green Belt
- Flooding
- Design, Appearance and Visual Impact
- Highway Issues
- Residential Amenity, Noise and Light Pollution

7 PLANNING CONSIDERATIONS

Green Belt

7.1 The site lies within the designated Green Belt and Saved Local Plan Policy GB1 is most relevant as it seeks to ensure only 'appropriate' development is allowed in the Green Belt. The National Planning Policy Framework (NPPF) states that only certain forms of development are acceptable within the Green Belt. The construction of a stand-alone car park is regarded as 'inappropriate' development, which by definition would be considered as harmful to the Green Belt and should not be approved except in 'very special circumstances'. The NPPF continues by stating that:-

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

- 7.2 I firstly consider the proposal for the creation of the car park. This is an overgrown site which, when cleared will be opened up to wider views. The proposed fencing and lighting would have some slight adverse visual impact by introducing a more developed appearance. The clearing of undergrowth/some tree growth/stumps at the very front 3m of the site will make its appearance much more akin in visual terms to the openness of the front gardens along this stretch of the Towpath. In this respect it would in my view result in a modest benefit.
- 7.3 The removal of 16 parked cars on the road side will in my view result in a very substantial visual benefit by improving the openness of this locality and the setting of the open space between the road and the river. It will improve the setting of the River Thames at this point generally and in Green Belt terms add significant weight in favour of the proposal.
- 7.4 Overall, whereas substantial weight must be given to the harm in Green Belt policy terms and the slight visual harm of the urbanising impact of additional fencing and lighting, this is clearly outweighed by the modest overall improvement of the site in visual terms and the very substantial benefit of removing cars from a particularly visible part of the Green Belt and section of Thames side where the principle of visual improvement is important. There are also modest benefits in reduced flood risk and modest highway safety benefits.

Flooding

- 7.5 Policy LO1 of the Council's Core Strategy and Policies DPD 2009 states that the Council will refuse any form of development on undeveloped sites which reduces flood storage capacity or impedes the flow of flood water. The Environment Agency originally raised an objection to the proposal, however following discussions between the agent and the Agency, they confirmed that it was ultimately the Council's responsibility to conclude on the compatibility or otherwise of a development, particularly when the 'vulnerability rating' of the proposed use is not made clear within the National Planning Practice Guidance (NPPG). It is considered that the use of the land as a car park is a 'less vulnerable' use and as such would not generally be acceptable within the functional flood zone 3b where only 'water compatible uses' are accepted. Therefore it is necessary to consider the proposal through the Sequential and Exceptions Tests to confirm the compatibility of the proposed use on this site.

a) Sequential and Exception Test

- 7.6 Paragraphs 100 to 103 in the NPPF set out how applications should be steered away from those areas liable to flood, and if this is not possible, the tests they must go through to demonstrate that they would not make the overall flooding situation worse and they would provide an overall benefit to the area.

- 7.7 The sequential test aims to steer new development to those areas least liable to flood. Development should not be permitted if there are reasonable available sites appropriate for the proposed development in areas with a lower probability of flooding. If no other sites can be identified then the proposal must pass the Exception test.
- 7.8 The Exception test comprises two parts. It must be able to demonstrate that the development would provide wider sustainability benefits to the community that outweigh the flood risk, and that the development would be safe for its lifetime taking into account the vulnerability of its users, without increasing flood risk elsewhere.

b) The Sequential Test

- 7.9 It has been demonstrated as part of the Green Belt 'Very Special Circumstances' case, that the proposed site is deemed to be the most appropriate site within the area to locate a car park for residents of Pharaoh's Island. The immediate surrounding area is all in the functional flood plain, with any lower flood risk areas being located too far away for residents to be reasonably expected to park their cars and walk back to the Island. On this basis the sequential test is 'passed'.

c) The Exception Test

- 7.10 The exception test requires that applicants demonstrate that the scheme would have wider sustainability benefits to the community that outweigh flood risk, and that the development would be safe for its lifetime, taking into account the vulnerability of its users, without increasing flood risk elsewhere.
- 7.11 The applicant has explained that the provision of the car park would benefit the wider community by removing parked cars from the Towpath and allowing them to park in a secure environment with benefits to the visual outlook and amenity of the riverside and also improvements to the flow of traffic along the road. The proposal would not result in the raising of the ground level within the floodplain which would otherwise reduce flood storage capacity. The front of the site will actually be lowered to accommodate the access thereby increasing the flood storage capacity on the site.
- 7.12 The site will be have open railings to the front and suitable fencing will be required by condition which would allow flood water to flow freely through the site. By removing parked vehicles from the road side and clearing the front part of the site, this would reduce the impedance to the flow of flood water, particularly in lower flood events and reduce potential obstructions to emergency vehicles. There is therefore a modest flood benefit.
- 7.13 In summary, the proposal has demonstrated that both the sequential test and the exception tests have been passed. It is considered that the proposal would not increase flood risk elsewhere due to any loss of flood storage capacity and result in a modest flood benefit as described.

Design, Appearance and Visual Impact

- 7.14 The proposed materials to be used for the parking area, the boundary treatments and the marking out of the spaces are considered acceptable and

would not be out of character with the surrounding area. A condition detailing the precise boundary treatment details and materials is recommended. The area is residential with a variety of existing boundary treatments. It is noted that the boundary treatments proposed could be installed under permitted development. The use of railings to the front of the site would allow the planting areas to be viewed from outside of the site with visual benefits to the appearance of the site compared to its current overgrown and untidy appearance.

Highway issues

- 7.15 The County Highway Authority have not raised any concerns regarding the proposal. The road is narrow with a 30mph speed limit although cars generally go slower than this due to the nature and character of the road. There are numerous other accesses to the adjoining residential dwellings. The 3m wide grass verge to be provided allows much improved visibility generally with appropriate access to the site with sufficient room for cars to wait for the gates to be opened without blocking the Highway.

Residential Amenity, Light and Noise Pollution.

- 7.16 The provision of 1.8m high timber fencing to the sides and rear is a normal garden situation which is acceptable and as stated previously could be carried out under permitted development. The fencing is not uncharacteristic of residential boundaries in the area and in general residential areas. The fencing would restrict views of the parked cars from the properties either side and would also help to reduce both light and noise from the vehicles as they enter and leave the site. Due to the limited number of spaces proposed and the limited intensity of the use of the site that is expected, it is not considered that any noise, light and fume pollution from the cars would be such that would result in any significant harm to the neighbouring properties. The proposed lighting of the site by virtue of low level bollard lights managed by sensors is not considered to be such that it would result in any significant light pollution to the area.

Other Matters

- 7.17 While the Councils Environmental Health (Pollution Control) Officers have not raised a formal objection, they did comment on the possibility that surface water 'run off' potentially containing fuels may enter the main sewer system and/or the adjacent River Thames. It should be noted that this possibility could occur now, with the vehicles being parked on the street. The proposed car park surfacing is bonded gravel which is permeable and 'run off' is unlikely. Nevertheless, as a precautionary measure a planning condition is proposed requiring that mitigation details for drainage runoff are submitted.

Conclusion

- 7.18 In Green Belt terms it has been demonstrated that there are genuine 'very special circumstances' in favour of approval and generally the scheme results in an improvement to the visual amenity and character of the side of Thames side. This includes flood risk benefits by removing cars from the roadside and removing some vegetation and levelling at the front of the site and also a modest highway safety benefit.

8. **RECOMMENDATION**

8.1 GRANT subject to the following conditions:-

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

- 2) No development shall take place until full details of both soft and hard landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. The trees and shrubs shall be planted on the site within a period of 6 months from the date on which development hereby permitted is first commenced, or such longer period as may be approved by the Local Planning Authority, and that the planting so provided shall be maintained as approved for a period of 5 years, such maintenance to include the replacement in the current or next planting season whichever is the sooner, of any trees or shrubs that may die, are removed or become seriously damaged or diseased, with others of similar size and species, unless the Local Planning Authority gives written permission to any variation.

Reason: To minimise the loss of visual amenity occasioned by the development and to enhance the proposed development.

- 3) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment and entrance gates to be erected in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details and maintained as approved.

Reason: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties and the appearance of the locality, in accordance with policies SP6 and EN1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

- 4) Before any work on the development hereby permitted is first commenced details of the surface material for parking areas be submitted to and approved by the Local Planning Authority.

Reason: To ensure that the proposed development does not prejudice the appearance of the development and the visual amenities and character of the locality, in accordance with policies SP6 and EN1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

- 5) Prior to the commencement of the development hereby permitted, details of the lighting of the car park shall be submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with those details and thereafter maintained.

Reason: To safeguard the amenities of local residences in the vicinity.

- 6) No development shall take place until details have been submitted to and approved in writing by the Local Planning Authority to demonstrate that suitable drainage measures are to be installed to contain runoff potentially containing fuels from entering the main sewer system and/or the adjacent River Thames.

Reason:- To protect the amenities of future residents and the environment from the effects of potentially harmful substances in accordance with policies SP6 and EN15 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

- 7) The development hereby approved shall be carried out in accordance with the following approved plans: SK1 and SK2 received 2.2.2015 and 1043_001 rev C received 18.2.2016

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

- 8) The car park shall only be used by the residents of Pharaoh's Island in accordance with a management plan to be submitted to and agreed in writing by the Local Planning Authority.

Reason:- To ensure that the benefits of removing parked vehicles from the immediate highway is secured and is an essential part of the justification for this proposal in Green Belt and amenity terms in accordance with Policy and EN15 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009 and guidance contained in the NPPF.

