

# Planning Committee

08 February 2023



<b>Application No.</b>	22/01562/FUL		
<b>Site Address</b>	Land to South of New Road, Littleton, Shepperton		
<b>Applicant</b>	Shepperton Studios Limited		
<b>Proposal</b>	Use of land to the south of New Road for car parking, including access from New Road, with alterations to existing fence line to facilitate pedestrian access for a temporary period of 24 months, alongside associated infrastructure		
<b>Officers</b>	Russ Mouny		
<b>Ward</b>	Laleham and Shepperton Green		
<b>Call in details</b>	There has been no call-in request in respect of this application, however because it relates to additional Green Belt land in connection with the Shepperton Studios Expansion and is therefore in the wider public interest, the Planning Development Manager has decided that, after consultation with the Chairman of the Planning Committee, this application should be submitted to the Planning Committee for determination.		
<b>Application Dates</b>	Valid: 09.11.2022	Expiry: 04.01.2023	Target: Extension of time agreed
<b>Executive Summary</b>	<p>This application relates to the use of 0.80 hectares of open grassland within the Green Belt on the south side of New Road, as carparking for a temporary period of 24 months. The car parking is required by Shepperton Studios to ensure that parking provision is maintained for the studio and its' customers throughout the development of the Shepperton Studio expansion.</p> <p>These works included alterations to the existing access points to the North Car Park, below ground works, resurfacing, the extension of the car park and the provision electric vehicle charging points. The car park currently provides approximately 450 parking spaces and many of these spaces will be taken out of action while works to the North Car Park are completed.</p> <p>The Local Planning Authority considers, and the applicant acknowledges, that the proposal represents inappropriate development within the Green Belt and has provided material considerations that they consider could justify very special circumstances.</p> <p>The proposal would revise an existing access and use temporary</p>		

	<p>trackway for the internal roadways and parking spaces, mobile lighting towers and define the boundary with fencing.</p> <p>The Local Planning Authority considers that in the particular circumstances relating to the requirement for this temporary use, the harm to the Green Belt and any other harm, would be clearly outweighed by other considerations.</p>
<b>Recommended Decision</b>	The 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:
- SP1 (Location of Development)
  - LO1 (Flooding)
  - EM1 (Employment Development)
  - EM2 (Employment Development on Other Land)
  - SP6 (Maintaining and Improving the Environment)
  - EN1 (Design of New Development)
  - EN3 (Air Quality)
  - EN8 (Protecting and Improving the Landscape and Biodiversity)
  - EN9 (River Thames and its Tributaries)
  - EN11 (Development and Noise)
  - EN13 (Light Pollution)
  - EN15 (Development on Land Affected by Contamination)
  - SP7 (Climate Change and Transport)
  - 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)
- 1.3 Also relevant is the following Supplementary Planning Guidance: (SPG)
- SPG on Parking Standards Updated 2011
- 1.4 The policies contained within the National Planning Policy Framework (NPPF) 2021 are also relevant.
- 1.5 On 19 May 2022, the Council agreed that the draft Spelthorne Local Plan 2022 – 2037 be published for public consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). The public consultation for the Pre-Submission Publication version of the Local Plan ended on 21<sup>st</sup> September 2022 and the local plan was submitted of the Planning Inspectorate on 25<sup>th</sup> November 2022.
- 1.6 The following policies of the Draft Spelthorne Local Plan 2022 – 2037 are of relevance:

ST1: Presumption in Favour of Sustainable Development

ST2: Planning for the Borough

PS1: Responding to the climate emergency

PS2: Designing places and spaces

PS3: Heritage, Conservation and Landscape

SP4: Green Belt

SP6: River Thames and its Tributaries

E1: Green and Blue Infrastructure

E2: Biodiversity

E3: Managing Flood Risk

E4: Environmental Protection

EC1: Meeting Employment Needs

ID2: Sustainable Transport for New Developments

1.7 The NPPF policy states at para 48 that:

Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

1.8 Section 38(6) the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the development plan (unless material considerations indicate otherwise) and not in accordance with an emerging plan, although emerging policies may be a material consideration.

1.9 At this stage, the policies in the Pre-Submission Spelthorne Local Plan carry limited weight in the decision-making process. The adopted policies in the 2009 Core Strategy and Policies DPD carry substantial weight in the determination of this planning application.

## **2. Relevant Planning History**

Ref. No.	Proposal	Decision and Date
18/00408/FUL	Creation of vehicle crossover. (Land opposite the site)	Refused 14.06.2018
08/01009/FUL	Erection of a building consisting of 10 stables & one feed store (required for 12 months for mares in foal).	Refused 29/06/2009
SUN/FUL/5106D	Provision of a private sports ground, playing field and recreational lake on 20 acres fronting the south side of New Road (C.233).	Granted 08/04/1969

- 2.1 With regard to planning application 18/00408/FUL, which is located on a strip of land to the north of New Road opposite the proposed access point, this was refused on the grounds of highway safety. The County Highway Authority raised objection since the access was considered to result in restricted visibility.
- 2.2 Planning application 08/01009/FUL was refused as being inappropriate development in the Green Belt for which no very special circumstances existed.

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

#### Location and Description of Site

- 3.1 The application site comprises 0.80 hectares of open land on the south side of New Road, within the Green Belt and an area of flood risk (Flood Zone 2).
- 3.2 To the north the application site is bounded by mature hedging, although sparse in places, along New Road, to the east the open area extends eastward to a field boundary, to the south the open area extends to the River Ash, although there is no defining feature at the end of the application site, and to the west is a mature hedged boundary to open land.
- 3.3 The site does not form part of Shepperton Studios, which is located to the west of Littleton village, approximately 340m from the application site, with 600m between the pedestrian access points. However, the Studios has planning approval for the redevelopment of 39ha of land to the southwest and northwest of the existing Studios, and incorporates an additional 10ha area of the River Ash, and the temporary use of this land for parking has been made in association with the redevelopment of the Studios. This redevelopment is currently under construction.

#### Proposal

- 3.4 The proposal seeks permission to use the land to the south of New Road for temporary parking for up to 250 vehicles for a period of up to 24 months.
- 3.5 The proposal would comprise a temporary 'trackway' surface, providing a firm surface for the movement of vehicles within the site, similar to arrangements

commonly used for overflow car parking in fields at public events to prevent damage to the land. The parking spaces would be in parallel rows, oriented east/west to minimise the impact of headlights on the properties on New Road.

- 3.6 The applicant states that a temporary period of parking is required to ensure that parking provision is maintained for the studios and its' customers throughout the development of the Shepperton Studio expansion. The applicant also believes the proposal to be a proactive response to minimise any potential informal parking on surrounding residential roads, while existing parking provision across the studios is constrained by construction activity.
- 3.7 Detailed planning permission was granted for the North Backlot and parking area (21/01547/FUL) in 2022. These works include alterations to the existing points of access to the North Car Park, below ground works, resurfacing, extensions to the parking area and the introduction of 20% electric vehicle charging points.
- 3.8 The north car park currently provides approximately 450 parking spaces, which are used in connection with the current studio operation, and a significant number of these spaces would be taken out of action while works to the North Car Park are undertaken.
- 3.9 The applicant has also stated that the proposed temporary parking would provide an opportunity to mitigate the impacts of planned highways works at the junction of Studios Road and New Road, where a new roundabout is due to be constructed in early 2023 as part of the highway improves required by the County Highway Authority in connection with overall redevelopment proposal. These construction works are scheduled to take approximately 6 months and the applicant recognises that these works could impact the convenience of school drop off at Littleton Infant School and is therefore offering the area as an alternate school drop off, which has been discussed with the school. The applicant has also offered access to the St Mary Magdalene Church as additional parking at weekends and evenings.

#### 4 Consultations

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

Consultee	Comment
County Highway Authority	No objection subject to conditions
Local Lead Flood Authority (Surrey County Council)	Initially raised concern regarding surface water management.
Tree Officer	No objection

#### 5. Public Consultation

- 5.1 The Council has received 3 letters of representation raising the following issues:
- Traffic impact on the Charlton and Shepperton area
  - Requirement is due to mismanagement of construction programming
  - Access to the land opposite has already been refused
  - The economic consideration is irrelevant to a car park
  - Precedent
  - Overlooking
  - Loss of privacy
  - Increased pollution
  - Increased traffic congestion
  - The existing compound on the B376 should be used

## 6. Planning Issues

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

## 7. Planning Considerations

### Green Belt

- 7.1 The site lies within the Green Belt and Section 13 of the National Planning Policy Framework (NPPF) 2021 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.
- 7.2 The policy is reflected in the Council's Saved Local Plan Policy GB1, but it should be noted that this was saved from the 2001 Local Plan and therefore pre-dates the NPPF. Although there is a degree of consistency with the NPPF, the impact of the development on the Green Belt should be considered primarily against the policies of the NPPF, rather than policy GB1.
- 7.3 Paragraph 138 of the NPPF sets out the five purposes of the Green Belt:-
- To check the unrestricted sprawl of large built-up area;
  - To prevent neighbouring towns merging into one another;
  - To assist in safeguarding the countryside from encroachment;
  - To preserve the setting and special character of historic towns; and

- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 7.4 With regards to the current and future extent of the Green Belt, paragraphs 140-141 of the NPPF stipulate that once Green Belt boundaries have been established, they should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans.
- 7.5 As part of the preparation for the emerging Local Plan Spelthorne Borough Council undertook a Stage 1 Green Belt Assessment (GBA) to assess and confirm whether the Spelthorne Green Belt met the purposes as defined in the NPPF. The NPPF was revised in 2021 and the GBA is still considered relevant. The GBA does not, in itself, determine whether Green Belt land should be released, or explore the potential suitability of areas of Green Belt for development, however, it does provide evidence of the performance of the Green Belt against the five purposes above and recommends areas that would warrant further consideration by the Council as part of the process of preparing a new local plan.
- 7.6 The GBA identified two tiers of land parcels: Strategic Green Belt Areas ('Strategic Areas') and Local Green Belt Areas ('Local Areas'). The assessment divided Spelthorne into two strategic areas. The application site lies within 'Strategic Area B' which is described in paragraph 4.3.1 of the GBA as "a band of Green Belt maintaining separation between a number of settlements including Ashford / Sunbury-on-Thames / Stanwell, Staines-upon-Thames / Shepperton / Walton-on-Thames, and Chertsey, Addlestone, and Egham." In its conclusion (section 7), the assessment affirms that this area "plays an important role in meeting the fundamental aim of the Green Belt through preventing sprawl from settlements in Surrey by keeping land permanently open".
- 7.7 The GBA then divided the Green Belt into smaller parcels with defining features such as motorways, A and B roads, railway lines, rivers, brooks and reservoirs as their boundaries for the purpose of the assessment, however it is important to note that the Green Belt is often perceived as a much larger or continuous area. The application site is situated within Local Area 42.
- 7.8 In the assessment, Local Area 42 was identified as strongly performing against the Green Belt purposes. The GBA does not on its own decide if a piece of land is to be retained or removed from the Green Belt, as this can only be done through the Local Plan process.
- 7.9 The NPPF policy states at para 48 that:

*Local planning authorities may give weight to relevant policies in emerging plans according to:*

- a) *the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
- b) *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*

c) *the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

7.10 Any application on Green Belt land must be assessed against national and local Green Belt policy including the five purposes of the Green Belt, and whether the development is appropriate or inappropriate within the Green Belt. This is considered in the paragraphs below.

#### Inappropriate Development

7.11 The site is currently free of development, comprises part of a larger area and is laid to grass. The proposal involves laying of a temporary trackway and the use of the land for the parking of up to 250 vehicles for a period of 2 years. The proposed development would not fit into any of the limited 'exceptions' to inappropriate development listed in paragraphs 149 or 150 of the NPPF. The proposal therefore constitutes 'inappropriate development' in the Green Belt.

7.12 The NPPF states in paragraph 147 that: *"Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances."* It continues at paragraph 148 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."*

7.13 The applicant's planning statement acknowledges that the proposal is inappropriate development, however it puts forward three considerations that they believe would justify very special circumstances in this particular case.

- Firstly, that Shepperton Studios is a long-standing employer in the local area and generates significant employment benefits in a range of skills and employment opportunities. In the absence of sufficient parking availability, this ability would be undermined, with the potential to adversely affect neighbouring residential areas during the construction period with the Studios continuing to operate;
- Secondly, that the Studios is a market leader with a global reputation. Within this context, car parking is an essential requirement for the Studios to enable productions to use the filming and post-production facilities and is vital to the international competitiveness of Shepperton Studios; and
- Thirdly, that there is no realistic scope for the car parking area to be provided on a non-Green Belt site that is geographically suitable and useable.

7.14 Both the employment characteristics of the Studio and significant weight attached by Government to supporting economic growth were considered during the outline application for the redevelopment of the Studios and the adjoining land. Whilst this position has not changed, the lack of parking for the

existing operation at the main studios site during construction has arisen as a direct result of the Studio's construction programme and operational management. This proposal, in isolation, has limited context with the overarching strategy.

- 7.15 The position of Shepperton Studios as a long-standing, local employer and the significant employment benefits do not, in themselves represent material considerations that would justify very special circumstances.
- 7.16 Notwithstanding this, the reduced length of the overall construction process resulting from the Studio's construction programme does present a benefit to both the local area and the national economy. The outline permission allowed for 10 years for the submission of the last reserved matters application to be submitted. It is also true that the dislocation of parking into the surrounding area would adversely affect the surrounding area, although this would be considered as additional harm in assessing the proposal.
- 7.17 The outline application stated that the proposal would provide sufficient parking for each phase of the development and the development overall. The suggested absence of sufficient parking availability is therefore considered to carry very limited weight in the decision-making process.
- 7.18 The position of the Studios as a market leader with a global reputation was also taken into consideration during the outline application and is not, in itself, considered to represent material considerations that would justify very special circumstances.
- 7.19 Since parking is highlighted as an essential requirement to the operation of the studios, this should have, and indeed must have been considered during the programming of construction and business dealings in respect of the site as whole. However, the practical requirements of the Studio under the current circumstances and changing situation within the industry- whereby streaming services are seeking studio space to enable them to provide their own content - is considered to carry some weight.
- 7.20 Whilst the applicant has not submitted evidence that a search for alternate land has been made, it is the case that there is no land available for the car parking area on non-Green Belt land that is geographically convenient or appropriate. Whilst this is not a material consideration that would justify very special circumstances, this combined with the temporary nature of the proposal is considered to carry some weight.

#### Green Belt Openness

- 7.21 The courts have considered the correct approach to openness, notably in *Turner v SSCLG* [2016] EWCA Civ 466 and *R (on the application of Samuel Smith Old Brewery and others) v North Yorkshire County Council* [2020] UKSC3. The courts have made clear that openness is open-textured and a number of factors are capable of being relevant when it comes to the facts of a specific case. The matters relevant to openness in any particular case are a matter of planning judgment. Relevant factors may include both visual and spatial considerations.

- 7.22 The essential character of the Green Belt is its openness and the use of the land for parking would fundamentally change the characteristics of the site from its existing open character. The loss of openness, even for a temporary period, must weigh against the scheme.
- 7.23 The existing site is free of development and is laid to grass. Spatially, the proposed development would result in the loss of openness as a result of the parking of vehicles, the fencing and the lighting towers, albeit for a temporary period, which must weigh against the proposal.
- 7.24 However, it must be noted that the proposal is for a temporary period of 2 years after which the land would be reinstated to open grassland. The impact on the Green Belt would therefore be limited, as a result of this particular proposal. However, cumulatively with other impacts on the Green Belt in the wider area, such as the car boot sales on the adjacent land, there is a constant level of impact.

#### Assessment of Harm

- 7.25 As quoted above, paragraph 138 of the NPPF sets out that the Green Belt serves five purposes against which proposed development within the Green Belt should be assessed.
- 7.26 The proposed development is considered to create unrestricted urban sprawl conflicting with the first of the five purposes set out in paragraph 138 of the NPPF. The site is outside of the built-up area of Shepperton Green and there is currently a clear boundary between the residential area and the open countryside within which the site sits.
- 7.27 The proposed use would be located on land currently free of development and is considered to represent encroachment into the countryside. It therefore fails to comply with the third of the five purposes of the Green Belt. ('to assist in safeguarding the countryside from encroachment').
- 7.28 However, both the sprawl and the encroachment would be for a temporary period of 2 years, after which the land would be restored to open grassland. The outline application (18/01212/OUT) argued that the parking provision for the Shepperton Studios Expansion would be sufficient for its operational needs and there appears to be no reason that once the North Carpark works have been undertaken that the site cannot accommodate its operational needs.
- 7.29 The proposal does represent inappropriate development which is, by definition, harmful to the Green Belt and therefore requires very special circumstances to be considered acceptable. Substantial weight must be given to the harm this proposal represents to the Green Belt and the additional harm resulting from the use of the land as a temporary parking area.
- 7.30 However, the 2 year temporary period, the restoration of the land to its former condition, ensuring operational capacity at the existing Studios and reducing

the overall construction programme, due to the scale and disruption of the expansion, are considered to weigh against the harm.

- 7.31 On balance, and as a matter of planning judgement, it is considered that in the particular circumstances relating to the requirement for this temporary use, the harm to the Green Belt would be outweighed. Paragraph 148 of the NPPF identifies 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.

#### Design and Appearance

- 7.32 Policy EN1 of the Core Strategy and Policies Development Plan Document (CS&P DPD) states that the Council will require a high standard of design and layout of new development.
- 7.33 Section 12 of the NPPF: Achieving well-designed places, refers to design and in particular that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. It states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 7.34 The proposal is for a temporary period of 24 months and the layout and proposed surfacing to create the parking area would necessarily be functional.
- 7.35 The Transport Statement states that the layout would provide for 250 spaces of 2.5m x 5.0m spaces – parking spaces are normally 2.4m x 4.8m - with standard 6.0m aisles.
- 7.36 The Planning Statement refers to a '*...temporary 'trackway' surface, providing a firm surface for the movement of vehicles around the site, similar to arrangements commonly used for overflow car parking in fields...*'. The applicant has confirmed that the proposal is for an Autotrak medium-duty roadway made from recyclable polypropylene for the parking bays and the heavy-duty roadway made from recyclable engineering grade aluminium for the internal road.
- 7.37 A lighting technical sheet has been submitted for a mobile lighting tower, although none of the plans have indicated the number or position of these. A planning condition is recommended to secure details of the lighting to minimise any potential impact on neighbouring properties.
- 7.38 The submitted plans indicate no additional landscaping, although fencing around the boundary of the site, within the open area is indicated. A planning condition is proposed to ensure any boundary treatment is appropriate and has minimal impact on the Green Belt.
- 7.39 Access to the remaining field would also be provided off the main accessway.

#### Impact on neighbouring residential properties

- 7.40 Policy EN1b of the Core Strategy and Policies DPD 2009 (CS&P DPD) states that:  
*“New development should achieve a satisfactory relationship to adjoining properties avoiding significant harmful impact in terms of loss of privacy, daylight or sunlight, or overbearing effect due to bulk and proximity or outlook.”*
- 7.41 The boundary of the proposed parking area is approximately 15m from the front of the residential properties on New Road and 90m from the closest property in Watersplash Road.
- 7.42 The adjoining land is set out for the keeping of horses and the stable block is approximately 9.5m from the boundary of the propose parking area.
- 7.43 The proposal would create a level of noise and disturbance to the occupiers of the properties on New Road as a result of the vehicle movements. However, the level over and above that of the existing traffic movements from the North Carpark would be limited and would be for a temporary period.
- 7.44 Vehicle lights within the area would be mitigated by the existing boundary treatment, location of the internal roadway and the access point not being directly facing any of the properties on New Road. The north/south vehicle aisles within the area are approximately 30m from the closest residential properties on New Road.
- 7.45 Concern has been raised in respect of overlooking and loss of privacy, however the internal trackway lies approximately 8m beyond the existing footpath on New Road, behind a hedgerow, and despite and increased footfall, there would be no significantly adverse impact on overlooking or privacy.

#### Noise and disturbance

- 7.46 Policy EN11 of the CS&P DPD states that the Council will seek to minimise the adverse impact of noise by requiring developments that generate unacceptable noise levels to include measures to reduce noise to an acceptable level.
- 7.47 The mobile lighting columns have a noise level of 65 dBA at 7m. This is generally considered to be equivalent to the level of normal conversation and it should be noted that the closest residential property is located 15m from the boundary of the proposed parking area.
- 7.48 The noise and disturbance of vehicles as they manoeuvre within the site and access and egress it would likely cause some localised noise and disturbance, although this likely to be similar to the existing situation as this would not represent additional car parking provision for Shepperton Studios.
- 7.49 The Council's Environmental Health Officer was consulted on the planning application and has raised no objection.

#### Transportation issues

7.50 Policy CC2 of the CS&P DPD states that the Council will seek to secure more sustainable travel patterns by 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

7.51 Paragraph 111 of the NPPF states that '*Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*'

7.52 The proposal is for the use of the land for parking for a temporary period whilst works to the North Carpark are undertaken. This proposal is not considered to represent traffic generating development, since it is a replacement of existing parking on the Shepperton Studios site whilst that is not available. In addition, since it is replacement parking for a temporary period in connection with the operation of the existing studios, it cannot reasonably be considered to represent an unacceptable impact on highway safety or to create residual cumulative impacts on the road network.

7.53 Concern has been raised in respect of the traffic impact on the Charlton and Shepperton areas. However, the proposal for the temporary car park seeks to accommodate displaced parking from the North Carpark on Studios Road while works are undertaken. The junction improvements, identified in respect of the outline planning application (18/01212/OUT) for the redevelopment of Shepperton Studios were required and timetabled by the County Highway Authority and are not directly related to this proposal.

7.54 Concern has also been raised concerning access to the land opposite the site, below the reservoir, being refused. However, this was new access onto New Road and in this particular case for revisions to an existing access, the County Highway Authority has reached a different conclusion.

### Flooding

7.55 Policy LO1 of the CS&P DPD seeks to reduce flood risk and its adverse effects on people and property. The NPPF states that Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk.

7.56 The proposed site is located within the Flood Zone 2 which represents land having a medium probability of river flooding with a 1 in 100 risk. Highly vulnerable uses are not permitted in flood zone 2 and there is a requirement for development in this zone to be flood resilient/resistant.

- 7.57 The proposal relates to the use of the land, there are no buildings or structures proposed and its use as parking is considered to be acceptable in flooding terms as this is not a highly vulnerable use.
- 7.58 The heavy-duty aluminium roadway panels are 3m x 2.5m and although not permeable, allow water to discharge between the panels. However, the medium-duty polypropylene roadway proposed for the parking areas is a cellular construction and therefore permeable.
- 7.59 The Lead Local Flood Authority was reconsulted following the applicant's clarification and is now satisfied with the proposal, raising no concerns.

#### Equalities Act 2010

- 7.60 This planning application has been considered in the 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.
- 7.61 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.
- 7.62 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.
- 7.63 The NPPF defines people with disabilities as individuals that have a physical or mental impairment, which has a substantial and long-term adverse effects on their ability to carry out normal day-to-day activities. This can include but is not limited to, people with ambulatory difficulties, blindness, learning difficulties, autism and mental health needs. It is considered that it would be possible for individuals with disabilities to access the development.

#### Human Rights Act

- 7.64 This planning application has been considered against the provisions of the Human Rights Act 1998.
- 7.65 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.

- 7.66 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.
- 7.67 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.

#### Other Matters

- 7.68 Representation has been made regarding a precedent being set, however each case is considered on its merits and inappropriate development within the Green Belt requires that significant weight is given to the harm an very special circumstances would be required to justify allowing a proposal. 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.
- 7.69 The use of the land for a construction compound on the B376 Laleham Road was Permitted Development (22/00098/CPD). This does not allow for its use as parking in association with the operational requirements of the existing Studios.

#### Financial Considerations

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

#### Conclusion

- 7.72 The development constitutes inappropriate development in the Green Belt carries significant weight against the proposal. The use of the land would

result in a reduction in the openness of the Green Belt and conflicts with two of the five purposes of the Green Belt set out in paragraph 138 of the NPPF.

- 7.73 The considerations put forward by the applicant in favour of the proposal have been taken into account and appropriate weight has been attributed to them, both individually and cumulatively. Other harm, as a result of the proposal, has been also been considered, together with other planning issues.
- 7.74 In this particular case and with the specific circumstances relevant to it has been concluded that there are very special circumstances that clearly outweigh the harm to the Green Belt that would allow the proposed use of the land for parking for a temporary period of 24 months.
- 7.75 Accordingly, the application recommended for approval.

## **8. Recommendation**

8.1 To GRANT planning permission subject to the following conditions:

1. That this permission be for a limited period of 2 years only, whilst the works to the north carpark are undertaken, in connection with planning approval 21/01547/FUL, and expiring on 08 February 2025 when the use hereby permitted shall be entirely discontinued and the land restored to its former condition.

Reason:-.The land is located within the Green Belt and the use is acknowledged by both the applicant and the Local Planning Authority as being inappropriate. The Local Planning Authority has acknowledged that very special circumstances exist in relation to the construction of the North Car Park and its contribution to the existing and wider site and to allow the on-going operation of the existing Studios site whilst these works are completed.

2. Prior to the use of the land for parking and installation of any temporary trackways, details of a scheme of the means of enclosure shall be submitted to and approved in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be installed for the temporary period. The boundary treatment shall be completed before the use as a temporary parking area is implemented. Development shall be carried out in accordance with the approved details and maintained as approved.

Reason:-.To ensure that the proposed use of the land as a temporary parking area does not encroach into the Green Belt beyond that accepted as being very special circumstances and to protect the countryside from inappropriate development in accordance with policies SP6 and EN1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009 and the National Planning Policy Framework 2021.

3. The proposed use of the land as a temporary parking area shall not be implemented until the proposed modified vehicular access to New Road has

been constructed and provided with visibility zones in accordance with the approved plans and shall be maintained for the duration of the temporary period.

Reason:-.In the interests of highway safety.

4. Prior to the commencement of works to the land to create the proposed temporary parking area, a baseline survey of the condition of the site area, together with a written scheme of remediation of the land with a timeline for completion shall be submitted to and approved by the Local Planning Authority.

Reason:-.To ensure that the land is restored to its former condition and that the character and appearance of the Green Belt is not adversely impacted as a result of the very special circumstances acknowledged by the Local Planning Authority, in accordance with the National Planning Policy Framework 2021.

5. The site may only be used for the purpose of the parking of vehicles between 06:00a.m. and 10:00 p.m., unless the written consent of the Local Planning Authority is sought and given prior to the occurrence, and all lighting should be switched off whilst the car park is not in use.

Reason:-.To ensure that the proposed use of the land as a temporary parking area does not prejudice the reasonable enjoyment of neighbouring occupiers of their properties in accordance with policies SP6, EN1 and EN11 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

6. Prior to the commencement of the use of the land for temporary parking, details of the specific location of all proposed lighting towers, including their direction and light spill, together with the technical specification and hours of operation shall be submitted to and approved in writing by the Local Planning Authority. The agreed external lighting shall be provided prior to the use of the land and shall at all times accord with the approved details.

Reason:-.To safeguard the amenity of neighbouring residential properties and in the interest of the security of the users of the temporary car park.

7. Before the car park is brought into use, and first opened, a scheme specifying arrangements for the operation of the car park, to include details of:
  - a) Control measures to ensure only authorised car park users are permitted entrance;
  - b) The management of the car park on a daily basis, including how spaces will be made available for staff, parents or visitors associated with Littleton C of E Infant School and/or St Mary Magdalene Church;
  - c) Measures to communicate availability, locations and terms of parking to visitors and site operatives;have been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved details shall be implemented.

Reason:- in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and accord with the National Planning Policy Framework 2021 and policy CC3 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

8. No vehicles, other than those used for construction traffic, shall access the site unless and until the pedestrian crossing over the site access has been constructed in accordance with the approved plans. Thereafter the crossing point, tactile paving, and footway within the application site shall be retained, maintained and kept open to the public to the satisfaction of the Local Planning Authority.

Reason:- In order that the development makes suitable provision for sustainable travel, in accordance with the sustainable objectives of Chapter 9 "Promoting sustainable transport" of the National Planning Policy Framework 2021, and policies CC2 and CC3 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

### **Informatives**

1. The developer is advised that as part of the detailed design of the highway works required by the above conditions, the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.
2. The permission hereby granted shall not be construed as authority to carry out any works in the highway or any works that may affect a drainage channel/culvert or water course.  
The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see: <http://www.surreycc.gov.uk/roads-and-transport/permits-and-licences/the-traffic-management-permit-scheme>.  
The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see: <https://www.surreycc.gov.uk/community/emergency-planning-and-community-safety/flooding-advice>
3. Section 59 of the Highways Act permits the Highway Authority to charge developers for damage caused by excessive weight and movements of vehicles to and from a site. The Highway Authority will pass on the cost of any excess repairs compared to normal maintenance costs to the applicant/organisation responsible for the damage.

4. The applicant is advised to ensure that all necessary works to the North Car Park are undertaken within the 24 month temporary period to ensure that the operational aspects of the Studios can be undertaken without the requirement for further use additional land.