

Planning Committee

26 July 2023



Application No.	23/00517/FUL
Site Address	Buildings 3, 4, 6, 11, 15 & 17 Littleton Lane Trading Estate Shepperton TW17 0NF
Applicant	Brett Aggregates Ltd
Proposal	The use of Building 3 for the storage of equipment and materials ancillary to vehicle body repairs, Building 4 for the storage of plant and equipment for groundworks / civils, Building 6 for the storage of plant and equipment for groundworks / civils, Building 11 for general storage, Building 15 for the manufacture of exhibition equipment and Building 17 as a cafe, for a temporary period ending 01 May 2026
Case Officer	Russ Mouny
Ward	Laleham and Shepperton Green
Called-in	The application has been called in by Cllr Howkins for the following reasons: <ul style="list-style-type: none"> • Increase in lorry movements within the area. • Timing should coincide with the redevelopment proposal (19/01731/FUL) 10 August 2024. • The applicant should be made aware of the need for the redevelopment plan to be implemented.

Application Dates	Valid: 25.04.2023	Expiry: 20.06.2023	Target: Extension of Time agreed 31.07.2023
Executive Summary	<p>This planning application proposes the temporary change of use of buildings 3, 4, 6 11, 15 & 17 following a previous approval that expired 01 May 2023. The proposed uses are as follows:</p> <ul style="list-style-type: none"> • Building 3: Storage of equipment and materials ancillary to vehicle body repairs • Building 4: Storage of plant and equipment for groundworks/civils • Building 6: Storage of plant and equipment for groundworks/civils • Building 11: General storage • Building 15: Manufacture of Exhibition Equipment • Building 17: Café 		

	<p>NB Groundworks are essentially preparing the ground, constructing sub-structure elements and specifically getting the ground ready for above ground construction. Civils relates to civil engineering and is primarily used to define infrastructure of transport systems and the installation of services prior to above ground construction.</p> <p>The proposed uses are the same as previously approved, except for Building 11 which was previously used for workshop, storage and hire of commercial skips.</p> <p>The site has a Certificate of Lawful Use and Development for uses and buildings however insufficient evidence had been provided in respect of Buildings 3, 4, 6 11, 15 & 17 to accept the uses put forward by the applicant.</p> <p>It was acknowledged that these buildings were substantially completed more than 4 years before the date of the application and the fall back use of the site is for the production and storage of concrete and concrete related products.</p> <p>It is considered that the principle of commercial uses at the site is acceptable, that the proposal would have a satisfactory impact upon the character and appearance of the area, the highway network and the flood risk of the area.</p> <p>Whilst the site is located within the Green Belt, the re-use of Buildings 3, 4, 6 11, 15 & 17 do not represent inappropriate development and the proposed uses are not considered to be a material change of use that would impact the openness of the Green Belt or the reason it was included within it.</p> <p>The proposal is therefore considered to meet the requirements of the relevant policies of the Core Strategy and Policies Development Plan Document and the National Planning Policy Framework 2021.</p>
<p>Recommended Decision</p>	<p>Approve the application subject to conditions as set out at Paragraph 8 of the Report.</p>

MAIN REPORT

1. Development Plan

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

- LO1 Flooding
- SP3 Economy and employment land Provision
- SP6 Maintaining and Improving the Environment
- EN1 Design of New Development
- CC2 Sustainable Travel
- CC3 parking

1.2 An examination into the Local Plan commenced on 23 May 2023. However, on 6 June 2023, the Council resolved the following: *Spelthorne Borough Council formally requests the Planning Inspector to pause the Examination Hearings into the Local Plan for a period of three (3) months to allow time for the new council to understand and review the policies and implications of the Local Plan and after the three month pause the Council will decide what actions may be necessary before the Local Plan examination may proceed.*

1.3 An examination into the Local Plan commenced on 23 May 2023. However, on 6 June 2023, the Council resolved the following: *Spelthorne Borough Council formally requests the Planning Inspector to pause the Examination Hearings into the Local Plan for a period of three (3) months to allow time for the new council to understand and review the policies and implications of the Local Plan and after the three month pause the Council will decide what actions may be necessary before the Local Plan examination may proceed.*

1.4 The following policies of the Pre-Submission Spelthorne Local Plan 2022 – 2037 are of relevance:

- ST1: Presumption in Favour of Sustainable Development
- ST2: Planning for the Borough
- PS2: Designing places and spaces
- SP4: Green Belt
- SP6: River Thames and its Tributaries
- E2: Biodiversity
- E3: Managing Flood Risk
- EC1: Meeting Employment Needs

1.5 The NPPF policy states at [paragraph 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).

- 1.6 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.
- 1.7 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.
- 1.8 The National Planning Policy Framework (2021) is also relevant.

2. Relevant Planning History

- 2.1 The site has the following planning history

19/01731/FUL	Demolition of the existing buildings, retention of existing buildings 1, 15 and 17 and part retention of building 10 (as defined in CLUED 18/01054/CLD), creation of new buildings ranging between 1 and 2 storeys providing up to approximately 4,358.7sqm of floorspace for use classes A3, B1, B2 and B8, creation of outside storage areas for use class B2, creation of hardstanding and access routes, car parking, cycle storage, servicing, plant areas, creation of green areas and landscaping and other associated works.	Granted 10.08.2021
19/01139/FUL	Change of use of building 3, 4, 6, 11, 15 & 17 of 18/01054/CLD from manufacture of concrete and concrete products to: building 3 storage of equipment and materials ancillary to vehicle body repairs, building 4 storage of plant and equipment for groundworks / civils, building 6 storage of plant and equipment for	Granted 22.10.2019

groundworks / civils, building 11 workshop, storage and hire of commercial skips, building 15 manufacture of exhibition equipment and building 17 cafe, for a temporary period ending 01 May 2023

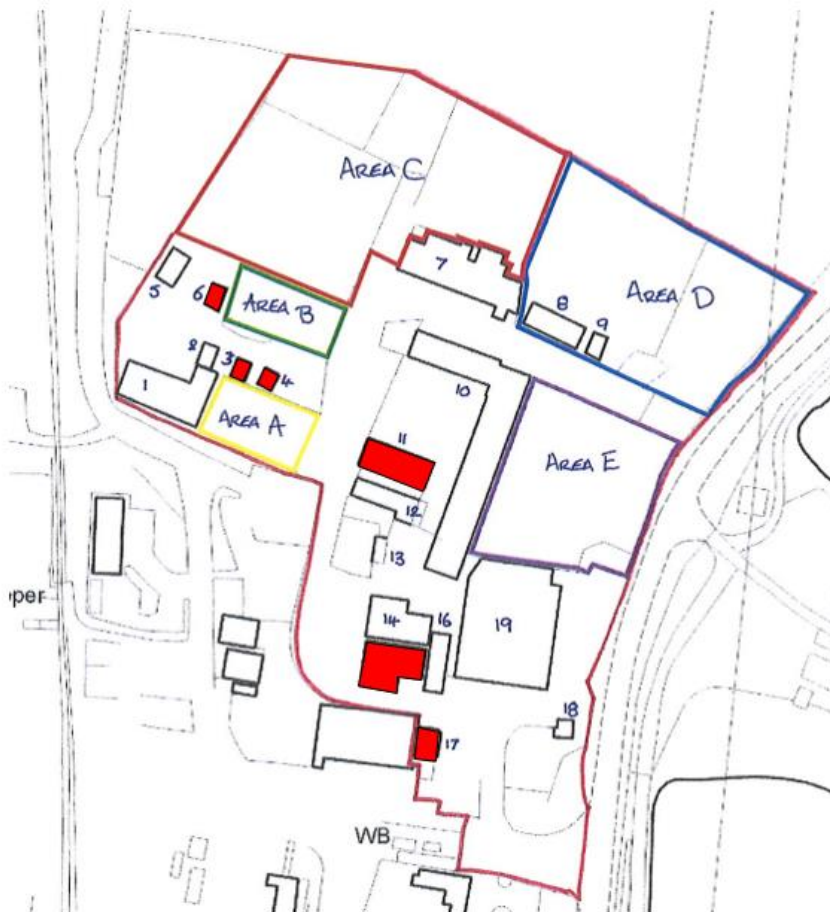
18/01054/CLD	Certificate of Lawfulness for buildings totalling 4,358.7 square metres of floor area and uses of A3, B1, B2, B8 and Sui Generis on 2.9 Ha of land at Littleton Lane.	Granted 08.03.2019
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3. Description of Current Proposal

- 3.1 The proposal relates to the Littleton Lane Trading Estate, which comprises approximately 2.9 hectares, located on Littleton Lane, north of the M3 motorway, south of the B376 Shepperton Road and opposite the Littleton Sailing Club.
- 3.2 The restored gravel pit to the west is a Site of Nature Conservation Importance and is subject to a restoration plan with the County Council. The site lies within the Heathrow safeguarding zone and the 1:20 Flood Risk area (Flood Zone 3b), although some small, isolated areas are within 1:100 Flood Risk Area (Flood Zone 3a). The site is also located within the designated Green Belt.
- 3.3 In determining the Certificate of Lawful Use and Development at the site, the Local Planning Authority determined that insufficient evidence had been provided in respect of Buildings 3, 4, 6, 11, 15 & 17 to accept the uses put forward by the applicant. However, it was acknowledged that the buildings were substantially completed more than 4 years before the date of the application.
- 3.4 Whilst the submitted uses for Buildings 3, 4, 6, 11, 15 & 17 were not accepted as part of application 18/01054/CLD, the lawful use for these would be the manufacture and storage of concrete and concrete related products.
- 3.5 The change of use of these building was approved on 22 October 2019, although at that time Building 11 was proposed to be used as workshop, storage and hire of commercial skips, for a limited period of 4 years, expiring on 1 May 2023 when the uses were to be entirely discontinued.
- 3.6 The proposal is for:
- Building 3 to be used for the storage of equipment and materials ancillary to vehicle body repairs;
 - Building 4 to be used for the storage of plant and equipment for groundworks/civils;
 - Building 6 to be used for the storage of plant and equipment for groundworks/civils;
 - Building 11 to be used for general storage;

- Building 15 to be used for the manufacture of exhibition equipment; and
- Building 17 to be used as a Café.

3.7 Groundworks are essentially preparing the ground, constructing sub-structure elements and specifically getting the ground ready for above ground construction. Civils relates to civil engineering and is primarily used to define infrastructure of transport systems and the installation of services prior to above ground construction.



4. Consultations

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

Consultee	Comment
County Highway Authority	No Objection
County Minerals and Waste	No Comment
Environmental Health	No Comment
Fischer Germans Pipeline	No Comment Received
Esso Pipeline	No Objection

5. Public Consultation

5.1 The Council has received no letters of representation to the proposal.

6. Planning Issues

- Principle
- Character and Appearance
- Highways
- Flooding

7. Planning Considerations

Principle

7.1 The Littleton Lane Trading Estate has a Certificate of Lawful Use and Development for buildings totalling 4,358.7 square metres of floor area and Uses Classes E (Commercial, Business and Service), B2 (General industry) and B8 (Storage and distribution) and Sui Generis on 2.9 Ha of land at Littleton Lane.

7.2 The site has an extant permission for redevelopment providing up to 4,358.7sqm of floorspace for Use Classes E (Commercial, Business and Service), B2 (General industry) and B8 (Storage and distribution) and outside storage areas for use class B2, with associated works.

7.3 The principle of using the buildings for the commercial uses proposed falls within the broad framework of the site. These uses have been accepted previously and whilst a temporary permission should not normally be extended, the circumstances at this site have been unusual.

7.4 The pandemic and resultant economic downturn has impacted the applicant's intended redevelopment of the site. Whilst the proposed temporary permission would not align with the redevelopment application (19/01731/FUL) that would expire on 10 August 2024, it would not prevent this being implemented.

Green Belt

7.5 The site lies within the designated Metropolitan Green Belt.

7.6 [Paragraph 137](#) of the National Planning Policy Framework (2021) sets out that:

'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.'

7.7 The Council's Saved Local Plan Policy GB1 is mostly reflected in the Green Belt policy set out in the NPPF, but 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 against the policies of the NPPF, rather than policy GB1.

7.8 [Paragraph 147](#) 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.'

7.9 [Paragraph 150](#) identifies development that is not inappropriate in the Green Belt provided it preserves its openness and does not conflict with the purposes of its inclusion, and includes:

- the re-use of buildings provided that the buildings are of permanent and substantial construction.

7.10 Buildings 3, 4, 6 11, 15 & 17 were acknowledged as having been substantially completed for a period of more than 4 years in the consideration of the Certificate of Lawful Use and Development (18/01054/CLD). The reuse of the buildings would therefore not be considered as inappropriate development and the proposed change of use of Building 11 would not be material.

Character and Appearance

7.11 Policy EN1 of the Core Strategy and Policies Development Plan Document requires a high standard of design and layout of new development.

7.12 In this particular case, the buildings already exist and are lawful. The uses have been agreed previously, with the exception of the change of building 11, previously workshop, storage and hire of commercial skips to general storage. The temporary use of the buildings is not considered to have a material difference in terms of the design and layout of the area.

Highways

7.13 The NPPF states at [paragraph 110](#) that in assessing specific applications for development, it should be ensured that any significant impacts from the development on the transport network, in terms of capacity and congestion, or on highway safety, can be mitigated to an acceptable degree.

7.14 [Paragraph 111](#) states that:
'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

7.15 The County Highway Authority has undertaken an assessment in terms of the likely net additional traffic generation, access arrangements and parking provision and is satisfied that the application would not have a material impact on the safety or operation of the surrounding highway network.

7.16 The County Highway Authority has also considered the temporary change of Building 11 against the existing site uses and consider that the change is unlikely to have a material impact on the number of vehicular movements that the site could generate. It is acknowledged that the nature of the traffic

generation may differ slightly from the currently permitted uses, but the proposed use is generally similar and capacity will not be increased.

Flooding

- 7.17 Policy LO1 of the Core Strategy and Policies Development Plan Document seeks to reduce flood risk and its adverse effects on people and property.
- 7.18 The NPPF states that Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk.
- 7.19 The site is located within Zone 3b which represents a greater than 1:20 flood risk. However, the use of this site is lawful and therefore the principle of the change of use is considered acceptable unless the use would lead to greater risk.
- 7.20 The site comprises various commercial uses and general industrial uses and is classified as being less vulnerable and therefore appropriate development in flood risk terms.
- 7.21 The buildings are lawful and would have a lawful use for the manufacture and storage of concrete and concrete related products. The proposed uses, with the exception of Building 11, which was previously skip related, have operated on the site for a temporary period and it is not considered that a new temporary permission, including the change of use of Building 11 would have a materially different impact on flood waters.
- 7.22 Overall, the proposal is not considered to represent a material impact on the existing situation in terms of flood risk.

Equalities Act 2010

- 7.23 This planning application has been considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:
- 7.24 The elimination of discrimination, harassment and victimisation; The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it; The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights Act 1998

- 7.25 This planning application has been considered against the provisions of the Human Rights Act 1998.
- 7.26 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.
- 7.27 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.

- 7.28 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.

8. Recommendation

- 8.1 APPROVE subject to the following conditions:

1. That this permission be for a limited period of 3 years only, expiring on 1 May 2026 when the uses hereby permitted shall be entirely discontinued.

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans Location Plan; SBC001 & Site Plan both dated 15 August 2019

Reason:-.For the avoidance of doubt and to ensure the development is completed as approved.

INFORMATIVES TO APPLICANT

1. Access by the Fire Brigade Notice of the provisions of Section 20 of the Surrey County Council Act 1985 is hereby endorsed on this planning permission. Copies of the Section may be obtained from the Council Offices or from County Hall. Section 20 of this Act requires that when a building is erected or extended, proper provision must be made for the Fire Brigade to have means of access to the building or to any neighbouring buildings. There are also requirements relating to access and facilities for the fire service contained in Part B of the Building Regulations 2000 (as amended).
2. The Town and Country Planning (Development Management Procedure) (England) Order 2015 Working in a positive/proactive manner In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of paragraphs 186-187 of the NPPF. This included the following:- Provided or made available pre application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable development.

3. The applicant is advised that extraction equipment for the cafe should be designed to meet Environmental Health requirements.

Appendices: