

Planning Committee

26 July 2023



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| Application No. | 23/00518/FUL |
| Site Address | Area B, Buildings 12 And 19 Littleton Lane Trading Estate Shepperton TW17 0NF |
| Applicant | Brett Aggregates Ltd |
| Proposal | The use of Area B for the storage of shipping containers, Building 12 for general storage, and Building 19 for manufacture of safety case for camera equipment, manufacture of timber/wood products, van export, motor vehicle repair and restoration, vehicle radiator repair and exhibition furniture production |
| Case Officer | Russ Mouny |
| Ward | Laleham and Shepperton Green |
| Called-in | <p>The application has been called in by Cllr Howkins for the following reasons:</p> <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. |

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| Application Dates | Valid: 04.05.2023 | Expiry: 29.06.2023 | Target: Extension of Time Agreed 31.07.2023 |
| Executive Summary | <p>This planning application proposes the change of use of three elements within the Littleton Lane Trading Estate. Both Area B and Buildings 12 and 19 are located within the heart of the site and currently have lawful commercial uses.</p> <ul style="list-style-type: none">• Area B is an open area of approximately 600m². The area has a current lawful use for the storage and hire of commercial skips and this application seeks to change the use to the storage of shipping containers.• Building 12 has a footprint of approximately 149m². This building has a lawful use for the sale, maintenance and repair of | | |

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| | <p>motorcycles and this application seeks to change this use to general storage.</p> <ul style="list-style-type: none"> • Building 19 has a footprint of approximately 1098m². This building has a current lawful use for the manufacture of safety cases for camera equipment, taxi leasing and repair, van export, motor vehicle repair and restoration, vehicle radiator repair and exhibition furniture production. It is proposed to replace the taxi leasing and repair use with the manufacture of timber/wood products. <p>The site has a Certificate of Lawful Use and Development for uses and buildings and Area B, Building 12 and Building 19 were identified in that Certificate.</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 Buildings 12 and 19 do not represent inappropriate development and the change of use of Area B is not 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
 - Saved Policy GB1
- 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:
- 1.5 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).
- 1.6 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:

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| 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 |
| 19/01141/FUL | Change of use of buildings 1, 10, 12 & 19 of 18/01054/CLD: building 1 from abrasive blast cleaning to steel cleaning and fabrication, building 10 from motor vehicle repairs, residential construction company and motor vehicle body repairs to abrasive blast cleaning, storage, charging and maintenance of aerial platforms and light steel fabrication, building 12 from sale and maintenance of turf machinery to sale, maintenance and repair of motorcycles and building 19 from abrasive baslt cleaning, manufacture of safety cases for camera equipment, taxi leasing and repair & freight haulage to manufacture of safety cases for camera equipment, taxi leasing and repair. van export, motor vehicle repair and restoration, vehicle radiator repair | Granted 11.10.2019 |

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| 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. 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 The wider site is part of wider restoration plan with the County Council, following the mineral extraction. However, this is subject to discussions between the applicant and the County Council and has no relevance to this planning application.
- 3.4 The Littleton Lane site has a current Certificate of Lawful Use and Development for various areas and buildings within the site (18/01054/CLD).
- 3.5 Area B is an open area of approximately 600m² within, but to the toward the west of the site. The area has current lawful use for the storage and hire of commercial skips and this application seeks to change the use to the storage of shipping containers.
- 3.6 Building 12 is located centrally within the site with a footprint of approximately 149m². This building has a lawful use for the sale, maintenance and repair of motorcycles and this application seeks to change this use to general storage.
- 3.7 Building 19 is located close to the entrance, on the east of the site and a footprint of approximately 1098m². This building current lawful use for the manufacture of safety cases for camera equipment, taxi leasing and repair, van export, motor vehicle repair and restoration, vehicle radiator repair and exhibition furniture production. It is proposed to replace the taxi leasing and repair use with the manufacture of timber/wood products.



4. Consultations

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

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

5. Public Consultation

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

6. Planning Issues

- Principle
- Green Belt
- 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. This permission will expire on 10 August 2024.
- 7.3 The principle of using the outside area and buildings for the uses proposed falls within the existing range of uses at the site and those already accepted. The principle of commercial uses is considered to be acceptable.
- 7.4 The pandemic and resultant economic downturn has impacted the applicant's intended redevelopment of the site. Whilst the proposed 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 Building's 12 and 19 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 building would therefore not be considered as inappropriate development and the proposed change of use would not be material.
- 7.11 The change of use of Area B from the storage and hire of commercial skips to the storage of shipping containers is not considered to be a material change of use, the imposition of a condition restricting the height of the storage consistent with that imposed on Area E on the eastern edge of the site would preserve the openness and mitigate the conflict with the purposes of its inclusion.

Character and Appearance

- 7.12 Policy EN1 of the Core Strategy and Policies Development Plan Document requires a high standard of design and layout of new development.
- 7.13 In this particular case, the variation of the use of Area B from the storage of skips to the storage of shipping containers would have little material difference in terms of the design and layout of the area. However, stacked shipping containers could have an adverse impact on the openness of the Green Belt and the applicant was advised at an early stage that a condition would be imposed to restrict the height of storage in this location consistent with that imposed at Area E, which has been accepted.
- 7.14 The proposed change of use of Building 12 from the sale, maintenance and repair of motorcycles to general storage would also have little material difference in terms of the design and layout of the area, since this would be within an existing building.
- 7.15 Building 19 is a large building, comprising a number of uses of which one would be changed from taxi leasing and repair to the manufacture of timber/wood products.
- 7.16 Given the control on the height of the storage proposed at Area B, and that the other two uses would be confined within existing buildings, it is considered that there would be no material change to the design or layout of the site and therefore its character and appearance would not be impacted.

Highways

- 7.17 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.
- 7.18 [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.'
- 7.19 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.

- 7.20 Whilst the Ward Councillor has indicated that this proposal would increase the amount of lorry movements within the area, The County Highway Authority has determined that the proposal for the 3 specific areas within the Littleton Lane site would not have a material impact on the safety or operation of the surrounding highway network. A condition restricting the Littleton Lane site would not meet the Government's criteria for the imposition of conditions, since it would not be relevant to the development to be permitted. Imposing a condition on the 3 specific elements is also considered not to meet the criteria since it would not be necessary, given the advice of the County Highway Authority, would be difficult to enforce and would not be reasonable, given the lawful use of the site.

Flooding

- 7.21 Policy LO1 of the Core Strategy and Policies Development Plan Document seeks to reduce flood risk and its adverse effects on people and property.
- 7.22 The NPPF states that Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk.
- 7.23 The site is located within Zone 3a 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.
- 7.24 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.
- 7.25 Area B has an existing lawful use for the hire and storage of skips, and it is not considered that the change of use to the storage of shipping containers would have a materially different impact on flood waters.
- 7.26 Building 12 is an existing building and a change of use from the sale, maintenance and repair of motorcycles to general storage is not considered to represent a material change to the flood risk resulting from the site.
- 7.27 Building 19 is a large building, comprising a number of existing uses and the change of use from taxi leasing and repair to the manufacture of timber/wood products is not considered to represent a material change to the flood risk resulting from the site.
- 7.28 The proposal is not considered to represent a material impact on the existing situation in terms of flood risk.

Equalities Act 2010

- 7.29 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:

- a) The elimination of discrimination, harassment and victimisation;
- b) The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;
- c) 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

- 7.30 This planning application has been considered against the provisions of the Human Rights Act 1998.
- 7.31 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.
- 7.32 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.
- 7.33 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. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans 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.

3. The shipping containers stored within Area B, shall not exceed a total height of 5.5 metres.

Reason:-.To ensure that the proposed outdoor storage does not prejudice the character and appearance of the locality in accordance with policies SP6 and EN1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009 and accords with the National Planning Policy Framework 2019 .