

Planning Committee

18 October 2023



Application No.	23/00121/OUT
Site Address	Land East of Vicarage Road, Sunbury-on-Thames, TW16 7LB
Applicant	Senior Living (Sunbury-on-Thames) Ltd. C/O Agent.
Proposal	<p>A Hybrid planning application for an Integrated Retirement Community to consist of:</p> <p>a) Full planning application incorporating 38 extra care and 28 close care units (Use Class C2) with an on-site village centre to include a medical facility. Means of access off Vicarage Road, associated infrastructure, landscape buffer and open space.</p> <p>b) Outline planning application for a care home (up to 60 beds) and up to 98 extra care units (Use Class C2), landscaping and open space, parking, infrastructure, and internal access roads (all matters reserved).</p>
Case Officer	Paul Tomson / Matthew Churchill / Kiran Boparai
Ward	Sunbury Common
Called-in	N/A

Application Dates	Valid: 16.06.2023	Expiry: 23.10.2023	Target: Extension of time agreed
Executive Summary	<p>This application involves the creation of a new 'Integrated Retirement Community' comprising a Village Centre building accommodating amenity facilities and 28 'close-care' units, a total of 136 extra-care units, a 60-bedroom care home, and other associated works. Two new accesses will be created off Vicarage Road. As the scheme involves providing specialist residential accommodation for the elderly, it would come under Use Class C2 (Residential institutions).</p> <p>The proposal has been submitted as a 'hybrid application'. This, in effect, involves submitting two separate but connected planning applications to enable the development to be implemented in two phases. The first application is a full planning application incorporating the on-site Village Centre building with its associated facilities and 28 close-care units, 38 extra-care units, means of accesses, a landscape buffer strip along the northern boundary, and other associated works. This full application is mainly focused around the western area of the site. The second application is an Outline planning application (with all matters reserved) for the remainder of the site. It comprises the remaining 98 extra-care units, the 60-bedroom care home, internal access roads, parking and other associated development. Whilst the</p>		

	<p>precise details of the design and layout, and other aspects of this Outline application are limited (it would be finalised at the subsequent Reserved Matters stage), the applicant has submitted several 'Parameter Plans', which set limits regarding the height and location of the buildings and the approximate location of the main internal roadway.</p> <p>The application site is located within the Green Belt and is free of development. The proposal to build an 'integrated retirement village' constitutes 'inappropriate development' in the Green Belt and would result in substantial loss of openness. Moreover, the development would conflict with three of the five purposes of the Green Belt (a: to check the unrestricted sprawl of large built-up areas; b: to prevent neighbouring towns merging into one another; and c: to assist in safeguarding the countryside from encroachment) as set out in paragraph 138 of the National Planning Policy Framework (NPPF) 2023.</p> <p>In terms of other harm, the proposal would adversely affect the existing rural character, landscape and appearance of the site and surrounding area, and would fail to make a positive contribution to the street scene, contrary to Policies EN1 and EN8 of the Core Strategy and Policies DPD 2009. In addition, the applicant has failed to demonstrate that sufficient bat surveys/assessments have been carried out on the site, and that an acceptable sustainable drainage scheme (SuDS) can be provided on the site to minimise flood risk. Moreover, the proposal does not provide any affordable housing and the applicant has failed to demonstrate that it is not viable to provide up to 50% of the new close-care/extra-care units as affordable housing on the site.</p> <p>Whilst the applicant has provided some considerations in support of the scheme, it is considered that these benefits do not clearly outweigh the substantial harm to the Green Belt, and other harm, and that 'very special circumstances' do not exist to justify the development in the Green Belt.</p> <p>Accordingly, this hybrid planning application is recommended for refusal.</p>
<p>Recommended Decision</p>	<p>Refuse the application for the reasons 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)
- SP2 (Housing Provision)
- HO1 (Providing for New Housing Development)
- HO3 (Affordable Housing)
- HO4 (Housing Size and Type)
- HO5 (Density of Housing Development)
- CO3 (Provision of Open Space for New Development)
- EN1 (Design of New Development)
- EN3 (Air Quality)
- EN8 (Protecting and Improving the Landscape and Biodiversity)
- EN15 (Development on Land Affected by Contamination)
- CC1 (Renewable Energy, Energy Conservation and Sustainable Construction)
- CC2 (Sustainable Travel)
- CC3 (Parking Provision)

1.2 It is also considered that the following Saved Local Plan policies are relevant to this proposal:

- GB1 (Green Belt)
- BE26 (Archaeology)

1.3 The policies contained within the National Planning Policy Framework (NPPF) 2023 is also relevant.

1.4 On 19 May 2022, Council agreed that the draft Local Plan 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 ran from 15 June 2022 to 21 September 2022 and the local plan was submitted to the Planning Inspectorate under Regulation 19 on 25 November 2022. It is relevant to note that the Applicant submitted a representation in response to the emerging Local Plan's Regulation 19 consultation.

1.5 An Examination into the emerging Local Plan commenced on 23 May 2023. However, on 6 June 2023, the Council resolved *to request 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. At the meeting of the Council on 19 July 2023, it was agreed that Catriona Riddell & Associates be appointed to provide 'critical friend' support to inform the options for taking the plan process forward. On 14 September 2023, the Council considered a report following the deferral in June. The report listed three options; to continue with the local plan to include further work (especially on design codes), to request a further pause or to withdraw the local plan. On the day of the meeting, a letter was received from the Housing Minister stating that the Housing Secretary, was directing the council "not to take any step to withdraw the plan from examination..." The Council resolved to extend the pause in the Examination timetable until the proposed changes to the NPPF have been published (expected in the Autumn) before determining the next steps and take immediate legal advice to confirm the validity of the minister's directive. On 22 September 2023, the Inspector agreed to a pause to the Local Plan and requested that the Council continues to address the issues that he identified in the first week of the hearings, in particular flood risk and its potential implications in relation to the site allocation and delivery strategy of the plan.

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

- Policy ST1 (Presumption in Favour of Sustainable Development)
- Policy ST2 (Planning for the Borough)
- Policy PS1 (Responding to the Climate Emergency)
- Policy PS2 (Designing Places and Spaces)
- Policy SP4 (Green Belt)
- Policy H1 (Homes for All)
- Policy H2 (Affordable Housing)
- Policy E2 (Biodiversity)
- Policy E3 (Managing Flood Risk)
- Policy E4 (Environmental Protection)
- Policy E5 (Open Space and Recreation)
- Policy ID1 (Infrastructure and Delivery)
- Policy 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

- 2.1 The site was subject to gravel extraction in the 1950's. The land was subsequently filled.
- 2.2 The following planning applications are of relevance to the application site:

OUT/7639	Erection of residential development and construction of new roads.	Refused 30.01.1964 Appeal Dismissed 20.07.1965
FUL/3463/G	Erection of permanent housing and provision of recreational areas.	Refused 03.11.1975

3. Description of Current Proposal

- 3.1 The application site comprises 5.3 hectares of open land situated to the east of Vicarage Road in Sunbury-On-Thames. The site has previously been subject to gravel extraction and has since been filled.
- 3.2 The site is bounded by Felthamhill Brook and Bryony Way to the south, Vicarage Road and the Running Horse Public House to the west, Groveley Road to the north-west, Kenyngton Manor Recreation Ground to the east, and further open land to the north.
- 3.3 The western side of Vicarage Road and the southern side of Bryony Way are occupied by one and two storey traditional family dwellings. Kenyngton Manor Primary School is also located on Bryony Way. Staines Rugby Club in the London Borough of Hounslow is located to the north of the site, although open land separates the northern site boundary from the Rugby Club.
- 3.4 The site is located within the Green Belt and is considered to form part of the essential visual gap between Spelthorne and Greater London.

- 3.5 The site was included in 'parcel 16A' in the *Stage 2 Spelthorne Green Belt Assessment* (December 2018) prepared as part of the Council's emerging Local Plan 2022-2037. The parcel was considered to play "*a fundamental role with respect to the wider Green Belt Local Area, and its release would harm the performance of the wider strategic Green Belt*".
- 3.6 It is not proposed that the site would be released from the Green Belt in the Council's Emerging Local Plan 2022-2037. Moreover, the boundary of the Green Belt cannot be amended in an individual planning application and the application is subject to assessment against the relevant Green Belt policies and guidance.
- 3.7 A small area at the southern end of the site is located within the 1 in 1000-year flood event area (flood zone 2). However, the vast majority of the site is situated outside of the flood zone (i.e. flood zone 1). A further small area of land at the south of the site is situated within a 20-metre buffer zone around a main river (Felthamhill Brook).
- 3.8 The Walton to Heathrow High Pressure Pipeline also transverses part of the site, which is operated by the British Pipeline Association (BPA). The BPA has been consulted as part of the application process.
- 3.9 The application has been submitted in hybrid form, meaning two application types, namely a 'full' and outline application, have been submitted in a single application, covering different parts of the site.
- 3.10 The proposed development, including all of the residential units, would be in a Class C2 Use (Residential Institutions). They would comprise 'extra care' and 'close care' units as well as a care home. For clarity, 'extra-care' is similar to sheltered housing but also offers assistance with personal care and other support. The 'close-care' units are self-contained but are apartments located within the 'Village Centre' building and therefore have closer access to the care and support facilities.
- 3.11 The Spelthorne Strategic Housing Market Assessment (SHMA) update report (October 2019) defines extra care housing as "*schemes where a service registered to provide personal or nursing care is available 24/7*".
- 3.12 The applicant's submission documents define 'close care' as a term principally associated with a limited number of providers, which falls within the same category as 'enhanced sheltered housing'.
- 3.13 The applicant's planning statement also indicates that in order to move into an Inspired Village, a resident must be a 'qualifying person' aged 65 or over, who has demonstrated a requirement to be in receipt of a 'minimum care package'. The Applicant states that this constitutes at least 2 hours of care/support per week.

Full Planning Application

- 3.14 In a 'full' planning application all material planning issues are under consideration and the applicant is required to provide 'full' details for what they are proposing.
- 3.15 The applicant seeks 'full' planning permission for 3 areas of the site. This consists of a landscape buffer proposed at the north, an access point onto Vicarage Road at the south-west, and a further area at the west of the site, referred to as 'phase 1' by the applicant, where 38 extra care and 28 close care units (C2 Use) are proposed, alongside a 'Village Centre'. This is shown on the plan below:



- 3.16 The 'Village Centre' building would be set over three storeys and would contain a restaurant, a café/bar, a fitness studio and gym, a pool, a clinical space, a hairdressers and other associated facilities on the ground floor. There would also be 28 self-contained 'close-care' apartments situated on the first and second floors.
- 3.17 There would be 5 x two-storey blocks across the remainder of the 'Phase 1' site, which are labelled as 'Blocks 1-5' on the plans. The plans also show a two-storey cottage building situated at the north-west of the site labelled 'Cottage S4', and 'Block 1A' is also a pair of cottage style units.

- 3.18 The cottages in 'Block 1A', 'Cottage S4', and one of the units in 'Block 3' would be set over two storeys. The remainder of the units in 'Blocks 1-5' would be set over a single storey, with one unit on the ground floor and another unit situated above (i.e., apartments).
- 3.19 In terms of design, the proposed buildings will be traditional in appearance with pitched roofs laid with clay roof tiles. The walls of the buildings will be faced with a mix of brickwork and coloured render. The tallest building is the three-storey Village Centre, which has an overall height of 13.85 metres.
- 3.20 The applicant's planning statement states that 55 car parking spaces would serve 'Phase 1' (the 'full' element), representing a parking ratio of 0.38 spaces per dwelling.

Outline Application

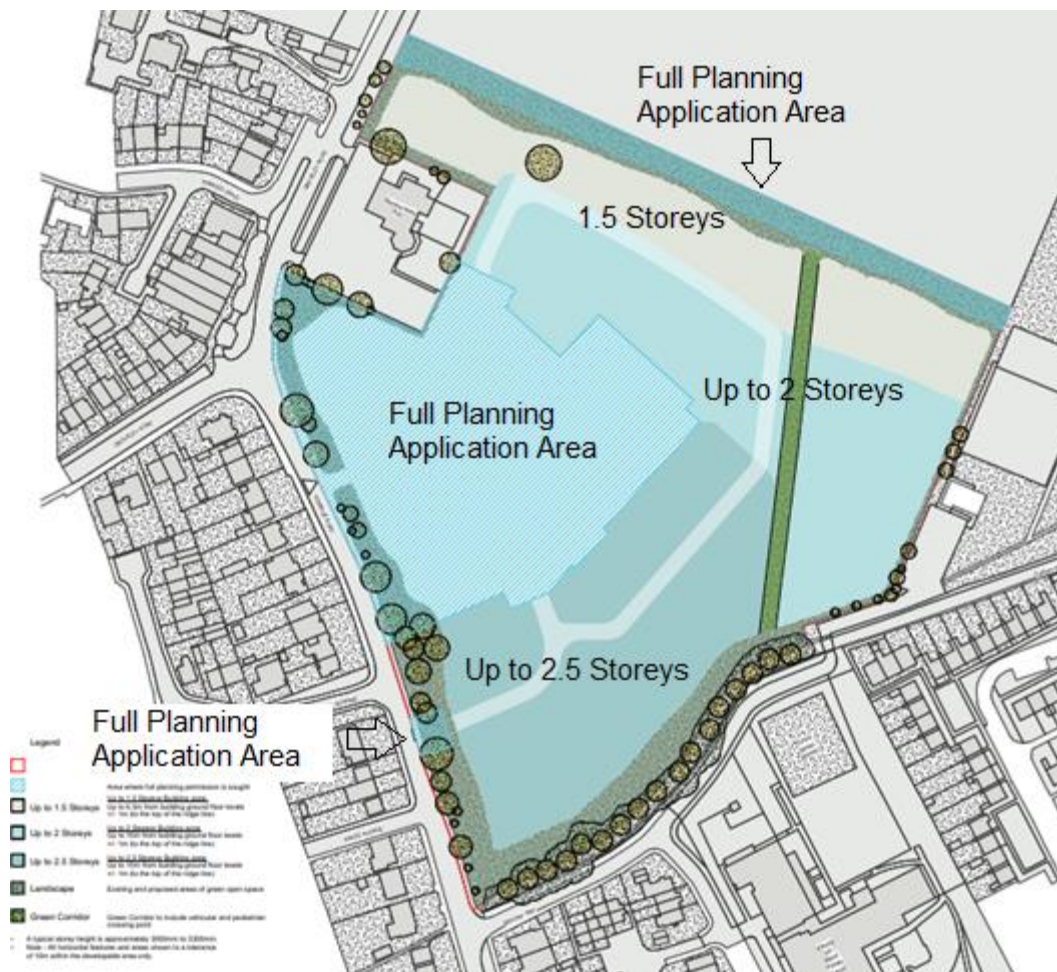
- 3.21 The remainder of the site is subject to an application for outline planning permission. This is where the general principles of the development are under consideration, and where the applicant reserves some or all matters that would be considered in a further application at a later point should outline planning permission be granted.
- 3.22 The outline application seeks a care home of up to 60 beds, 98 extra care units (C2 use) landscaping, open space, parking, infrastructure and internal access roads.
- 3.23 The applicant has chosen to reserve all matters. This means that only the general principles of the proposed development can be considered. The matters outlined in the table below would be under consideration at a later point in a reserved matters application should outline planning permission be granted.

Access	The accessibility to and within the site for vehicles, cycles and pedestrians in terms of the position and treatment of access and circulation routes and how these fit into the surrounding network.
Appearance	The aspects of a building or place within the development which determines the visual impression of the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.
Landscaping	Treatment of the land (other than buildings) for the purpose of enhancing or protecting amenities of the site and the area in which it is situated. This includes screening by fences and walls, the planting of trees, hedges, shrubs and grass, the formation of banks, terraces and other earthworks, the laying out of gardens, and other amenity features.
Layout	The way in which buildings, routes and open spaces within the development are provided, situated and orientated in

	relation to each other and to buildings and spaces outside of the development.
Scale	The height, width and length of each building proposed within the development in relation to its surroundings.

3.24 The applicant has not submitted detailed floor and elevation plans for any of the buildings proposed in the outline element.

3.25 The applicant has submitted a height parameter plan, showing potential building heights across the outline part of the site. This is shown below and indicates that the southern area would be occupied by buildings of up to 2.5 storeys, the northern area would be occupied by buildings of up to 1.5 storeys and the central and eastern area would be occupied by buildings of up to 2 storeys. A further parameter plan has been submitted showing the proposed location of the main roadway within the site.



3.26 An illustrative masterplan has also been submitted for the whole of the site, which is shown below. However, it should be noted that for the outline elements, this is for illustrative purposes only and could be subject to amendments including to the layout and scale at reserved matters stage should outline planning permission be granted. The plan only shows one way in which the site may be developed. It is therefore only the general principles of the outline elements that are under consideration for the outline part of the site.

Illustrative masterplan



4. Consultations

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

Consultee	Comment
Active Travel England	No objection subject to conditions
Biodiversity Officer	Raises various comments on biodiversity
British Pipeline Association	No objection
County Archaeological Officer	No objection subject to a condition
County Highway Authority	No objection subject to conditions
Environment Agency	No objection on flooding grounds
Environmental Health (Air Quality)	No objection subject to conditions
Environmental Health (Land Contamination and Odour)	No objection subject to conditions
Environmental Health (Noise)	No objection subject to conditions
Lead Local Flood Authority (SCC)	Raises an objection on the proposed surface water drainage

London Borough of Hounslow	No objection
National Grid	None received
National Highways	No objection
Natural England	None received
NHS	None received
SCAN	None received
SCC Strategic Planning (Minerals and Waste)	No objection
Spelthorne Housing Department	Various comments on retirement housing in the Borough
Spelthorne Neighbourhood Services (Refuse Collection)	No objection
Spelthorne Strategic Planning	Various planning policy comments in relation to the Green Belt and housing need
Surrey County Council Education	None received
Surrey Fire Services	No objection
Surrey Police	No objection subject to conditions
Surrey Wildlife Trust	Various comments on ecology issues, requested clarification on outstanding issues
Sustainability Officer	No objection
Thames Water	No objection
Tree Officer	No objection subject to conditions

5. Public Consultation

- 5.1 The NPPF seeks to encourage pre-application engagement and front loading and advises that “early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community.” The Council’s own Statement of Community Involvement states that the “Council will encourage applicants and developers to undertake pre-application consultation and discuss their proposals with their neighbours or the community before submitting their formal application.”
- 5.2 The applicant had two separate pre-application meetings with the Local Planning Authority, prior to the submission of the planning application. In addition, the applicant held a public exhibition in June 2022.
- 5.3 Neighbour notification letters were sent out to the surrounding properties to notify them of this planning application. Statutory site notices were displayed

around the site and a press notice was issued as the proposal is a major application and is a departure from the development plan.

5.4 The Council has received a total of 227 letters of objection including a letter of objection from the three wards Councillors.

5.5 The issues raised include:

- Loss of Green Belt
- Increase in urban sprawl, land should be retained to separate Sunbury from Feltham
- Brownfield sites should be used first
- Crops have been grown on this land
- Site was previously landfill/contained contaminated waste and therefore unsuitable for development
- Site is liable to flooding
- Pipelines under the land
- Additional traffic congestion and emissions
- The existing roads are dangerous and have had previous accidents
- Increased demand for parking
- Safety concern for pedestrians crossing
- Local services and infrastructure would not be able to cope (schools, health care, policing, road maintenance, bus services)
- Pressure on sewage, drainage and the electricity supply
- No essential requirement for a care home/retirement village
- Shortage of healthcare staff
- Potential change of use into residential homes
- No social housing or family sized housing provided
- Cost of care homes would not be affordable and would stay empty
- Likely to be a gated community blocking off amenities from locals
- Not in keeping with the area
- Layout, density and overcrowding
- Loss of view, loss of light, loss of privacy, overlooking to neighbouring properties (*Officers note: Loss of view is not a material planning consideration*)
- Increase in noise, disturbance and dust (*Officers note: Issues of noise, dust and disturbance during construction is a matter for the Council's Environmental Health Team*)
- Inappropriate location next to a pub and school
- Loss of wildlife, biodiversity and green space
- Contrary to Surrey County Council's 'Blue Campaign'
- Poor air quality
- Land should be used as public open space
- Development does not show any access to Kenyngton Manor Recreation Ground for future occupiers to make use of the open space
- Application has not been fully consulted on before submitting a planning application
- Property devaluation

5.6 The Council has also received 234 letters of support in relation to:

- Retirement homes and care for elderly are needed
- Proposal will create jobs
- Proposal will create needed housing and free up family homes
- Proposed scheme and facilities will benefit the local area
- The retirement village would create a community and reduce isolation
- The land is not an area of natural beauty, has a low ecological value and is not being used effectively
- Alleviates pressure on GP visits with on-site medical care
- Emerging Local Plan has failed to identify any suitable sites for older people
- Existing older people care appear to only take residents on affordable rent.

5.7 Councillors and several residents have written in regarding the validity of the support letters given many of these were received after the deadline for comments to be made and some comments are not relevant to this application. It is to be noted that the letters of support received are not located as close to the application site as the letters of objection and the LPA does accept late letters of representations for all applications as long as the planning decision has not been issued. It is important to note that when considering weight given to representations on planning applications, the decision maker needs to look at the material planning issues raised in the letter, not the volume of letters received.

6. Planning Issues

- Housing need
- Green Belt
- Design and appearance
- Highway safety
- Parking
- Flooding
- Affordable housing
- Land contamination
- Ecology
- Neighbouring amenity
- Future Occupiers amenity
- Sustainability/renewable energy
- Trees and landscaping
- Air quality
- Pipeline
- Archaeology

7. Planning Considerations

Housing Land Supply

- 7.1 When considering planning applications for housing, local planning authorities should have regard to the government's requirement that they significantly boost the supply of housing and meet the full objectively assessed need for market and affordable housing in their housing area so far as is consistent policies set out in the National Planning Policy Framework (NPPF) 2023.
- 7.2 The Council has embarked on a review of its Local Plan and acknowledges that the housing target in its Core Strategy and Policies DPD February 2009 of 166 dwellings per annum is more than five years old and therefore the five-year housing land supply should be measured against the area's local housing need calculated using the Government's standard method¹. The standard method for calculating housing need is based on the 2014 household growth projections and local affordability. This equates to a need of 618 dwellings per annum in Spelthorne. This figure forms the basis for calculating the five-year supply of deliverable sites.
- 7.3 The Council has considered its supply of deliverable sites, in line with the NPPF definition, as set out in Annex 2. The five-year time period runs from 1 April 2023 to 31 March 2028. A 20% buffer is required to be added for Spelthorne in accordance with Government requirements and this should be applied to this full period. A 20% buffer applied to 618 results in a figure of 742 dwellings per annum, or 3,708 over five years.
- 7.4 In using the objectively assessed need figure of 742 as the starting point for the calculation of a five-year supply it must be borne in mind that this does not represent a target as it is based on unconstrained need. Through the Local Plan review, the Borough's housing supply will be assessed in light of the Borough's constraints, which will be used to consider options for meeting need. The Council has published its Strategic Land Availability Assessment (SLAA) which identifies potential sites for future housing development over the plan period.
- 7.5 The sites identified in the SLAA as being deliverable within the first five years and subsequent updates from landowners have been used as the basis for a revised five-year housing land supply figure. Spelthorne has identified sites to deliver approximately 2,615 dwellings in the five-year period.
- 7.6 The effect of this increased requirement with the application of a 20% buffer is that the identified sites only represent a 3.52 year supply and accordingly the Council cannot at present demonstrate a five year supply of deliverable housing sites. However, it is important to note that the site is located within the Green Belt. Footnote 7 of Paragraph 11 of the NPPF states that land designated as Green Belt is disengaged from the presumption in favour of sustainable development, where there is a clear reason for refusing the development proposed (see paras. 7.8 – 7.10 below).

¹ Planning Practice Guidance Reference ID: 68-005-20190722

- 7.7 Government guidance (NPPF para 74) requires the application of a 20% buffer “where there has been significant under delivery of housing over the previous three years”. In addition, guidance on the Housing Delivery Test indicates that where housing delivery falls below 85%, a buffer of 20% should be applied to the local authority’s five-year land supply and a presumption in favour of sustainable development if the figure is below 75%. The Housing Delivery Test result for Spelthorne Borough Council was published by the Secretary of State in January 2022, with a score of 69%. This means that less housing has been delivered when compared to need over the previous three years. As a consequence, there is a presumption in favour of sustainable development because the test score of 69% is less than the 75% specified in the regulations. The figure of 69% compares with 50% last year and 60% in 2020. The Council’s Housing Delivery Test Action Plan will be updated to reflect this. The current action plan positively responds to the challenge of increasing its housing delivery and sets out actions to improve delivery within the Borough.
- 7.8 As a result, current decisions on planning applications for housing development need to be based on the ‘tilted balance’ approach set out in paragraph 11 of the NPPF (2023). This requires that planning permission should be granted unless *‘any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole.’*
- 7.9 Usually as a result of the above position in Spelthorne relating to the 5 year housing land supply and the recent Housing Delivery Test, current decisions on planning applications for housing development need to be based on the ‘tilted balance’ approach set out in paragraph 11 of the NPPF (2023). This requires that planning permission should be granted unless *‘any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole’*. However, the NPPF at para 11d) i) makes clear that the presumption in favour of development does not apply where, *‘...: the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed...’*
- 7.10 However, it is important to note that the NPPF at footnote 7 confirms that the “tilted balance” approach should not be applied to protected areas such as land designated as Green Belt (as is the case in this particular application), Local Green Spaces, Areas of Outstanding Natural Beauty, etc. As the site is located within the Green Belt, and there are clear reasons for refusing the planning application on Green Belt grounds (as demonstrated later in the report), it is considered that the “tilted balance” is disengaged in this case. In the Green Belt, the correct decision-making process involves identifying the harm by way of inappropriateness and any other harm including, but not restricted to, other harm to the Green Belt, and applying substantial weight to that harm to the Green Belt. Then in balancing the benefits of any material considerations very special circumstances will only exist if the benefits clearly outweigh the harm by way of inappropriateness and any other harm.

7.11 Taking into account the above, and adopted Policy HO1 which encourages new housing development in urban sites for additional housing to meet our Borough's needs, it is not considered that this is a sustainable form of development, and it is not in the urban area, (it is a Green Belt site). New housing should be provided in the urban area, on sustainable sites, which have been previously used, not on Green Belt sites such as this.

Green Belt

7.12 At Section 13, the NPPF sets out the Government's Policy on 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 permanence*".

7.13 At paragraph 138, the NPPF sets out the five purposes of the Green Belt. These are:

- *To check the unrestricted sprawl of large built-up areas;*
- *To prevent neighbouring towns from 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.*

7.14 The Council's Local Plan Policy GB1 was saved from the 2001 Local Plan and pre-dates the NPPF. However, the policy is broadly consistent with the NPPF and is afforded significant weight. Saved Policy GB1 does not allow for any development in the Green Belt unless it is one of a number of appropriate uses set out in the policy. This differs from the more recent NPPF, which allows exceptions to inappropriate development, where the identified harm to the Green Belt and any other harm is clearly outweighed by other considerations, which constitute 'very special circumstances'.

7.15 The site is presently unallocated and is within the Green Belt in the adopted local plan, and therefore should be considered in this context. The application site, alongside an area of land to the north, formed part of site SC1/010, that was considered for release from the Green Belt as part of the Council's Local Plan 2022-2037. However, the site was not taken forward for release. The applicant has submitted representations (Regulation 19) against a number of policies in the Council's Emerging Local Plan, including on the grounds that a greater number of sites should be allocated and requests for updates to the evidence base including the Green Belt Review.

7.16 The application site also formed part of 'parcel 16A' in the Council's Stage 2 Green Belt Assessment prepared as part of the Council's Emerging Local Plan 2022-2037. The parcel, which in addition to the application site also included land to the north and east, was found to form "*almost all of the essential gap between Ashford/Sunbury-on-Thames/Stamwell and Greater London, preventing development that would significantly and physically reduce the perceived and actual distance between these settlements*".

- 7.17 The Emerging Local Plan Policy SP4: Green Belt notes that the full Green Belt policy can be found in the NPPF, and this policy is not intended to repeat it, but provide local detail on specific policy matters. The policy states that:- *'1) The Green Belt boundary is defined on the Policies Map. In order to uphold the fundamental aims of the Green Belt to prevent urban sprawl and to keep land within its designation permanently open, inappropriate development will not be approved unless very special circumstances can be demonstrated. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm is clearly outweighed by other considerations.'*
- 7.18 As previously mentioned in paragraph 1.8 above, only limited weight can be given to the Emerging Local Plan at this stage.

Inappropriate Development

- 7.19 The NPPF states that Local Planning Authorities should regard the construction of new buildings as inappropriate development in the Green Belt. The Framework further states that inappropriate development is by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances'. When considering any planning application Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt.
- 7.20 The proposals would not constitute any of the exceptions to inappropriate development listed in paragraph 149 and 150 of the NPPF. The construction of built development on the site, is therefore considered to constitute inappropriate development in the Green Belt. As mentioned above, inappropriate development should not be approved unless 'very special circumstances' exist, which outweigh the harm to the Green Belt and any other harm.
- 7.21 The Applicant states that the past use of the site for landfill and the presence of high-pressure pipelines indicates that the site may constitute 'previously developed land'. The LPA does not share this view. Indeed, the NPPF's glossary provides a definition of 'previously developed land', which specifically states that it excludes land that has been developed for mineral extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures.

Green Belt Openness

- 7.22 The NPPF 2023 still requires there to be an assessment of the impact on the openness of the Green Belt and the purposes of including land within it. The essential characteristics of Green Belt land is its openness and its permanence. These characteristics serve all five purposes of the Green Belt (defined in section 7.9 above) against which the proposed development will be assessed.
- 7.23 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. These are examined within the following paragraphs.

- 7.24 The site comprises 5.3 hectares (13.09 acres) of open land that is currently free from built development and has a rural appearance. With the exception of the proposed landscape buffer, the application proposes development across the majority of the site, including buildings ranging from 1.5-2.5 storeys in the outline area and up to 3-storeys in the Village Centre Building proposed in the full planning application. Furthermore, the application also proposes associated roads and car parking areas and associated facilities. The construction of a significant number of buildings across the 5.3-hectare site that is currently free from any built development and which has a rural appearance, would substantially reduce openness across the site.
- 7.25 The loss of the openness of the Green Belt would be very substantial and would be noticeable from Groveley Road, Vicarage Road, Bryony Road, land to the north of the site, and from Kenyngton Manor Recreation Ground. It would also significantly reduce the visual open gap between Spelthorne and Greater London, with the closest part of the site being located approximately 280 metres from Hamilton Parade in the London Borough of Hounslow.
- 7.26 Taking into account the amount of development proposed across the open site, it is considered that the existing openness of the Green Belt would be very substantially harmed both visually and spatially. The NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The development of this site will fundamentally change the open and rural character of the site, to a developed area of land. The inclusion of a landscape buffer at the north of the site would not mitigate or overcome this loss of openness, which weighs heavily against the development. The substantial loss of openness would be in addition to the substantial harm caused by the inappropriateness of the development and is considered to have an unacceptable impact upon the Green Belt.

Assessment of Harm

- 7.27 Paragraph 138 of the NPPF quoted above, sets out that the Green Belt serves five purposes against which the proposed development should be assessed.
- 7.28 The proposal would result in development across the majority of a 5.3 hectare open and rural site, and would create unrestricted urban sprawl, conflicting with the first of the five purposes set out in paragraph 138. The western site boundary is occupied by residential dwellings situated on the western side Vicarage Road and Groveley Road, which is considered to create a clear boundary to the Green Belt. The southern site boundary is adjoined by Bryony Way, which also presents a clear boundary with the Green Belt. The proposed development would result in significant urban sprawl beyond the current Green Belt boundary and this would not be

outweighed by the introduction of a landscape buffer to the north of the site. The proposal would introduce built form onto a site that is currently free from development and would therefore create significant urban sprawl contrary to the first Green Belt purpose set out at paragraph 138 of the NPPF.

- 7.29 It is noted in their planning statement the applicant has conducted their own review into the harm to the Green Belt, suggesting that the Green Belt boundaries are currently jagged and irregular, and noting that the site is surrounded by built form on three boundaries. The applicant considers that the proposed landscape buffer would strengthen the Green Belt boundary providing a stronger more regular boundary.
- 7.30 It is not unusual for the Green Belt to adjoin built development and Officer's consider that Bryony Road and Feltham Brook, Vicarage Way and Groveley Road, currently present a clear boundary between the Green Belt and surrounding residential areas. The proposal would result in urban sprawl significantly beyond the existing Green Belt boundary and the landscape buffer would not mitigate or overcome the urban sprawl as a result of the proposals.
- 7.31 Moreover, the site will substantially reduce the visual gap between Spelthorne and Greater London, with the closest part of the site being situated some 280 metres from Hadrian's Parade in the London Borough of Hounslow. It is noted that the applicant's planning statement suggests that the site would be situated some 780 metres from Feltham. There would be larger gaps to Greater London in different parts of the site. The proposal would nevertheless substantially reduce the existing open gap between Spelthorne and Greater London and would therefore conflict with purpose two of paragraph 138, which seeks to prevent neighbouring towns from merging into one another.
- 7.32 The site is also currently free from built development and has a rural character. The development of 5.3 hectares of open land, would cause significant encroachment into the countryside conflicting with the third purpose of the Green Belt set out in paragraph 138.
- 7.33 The proposal would nevertheless represent inappropriate development in the Green Belt, would cause significant harm to the openness of the Green Belt, and would conflict with the purposes of including the land within the Green Belt.
- 7.34 The NPPF states the inappropriate development should not be approved except in 'very special circumstances', which would not exist unless the potential harm to the Green Belt and any other harm is clearly outweighed by other considerations. The applicant has put forward some considerations in their Planning Statement, which they consider justifies the development in the Green Belt. These considerations are summarised towards the end of this report under the Section 'Other Considerations'.

Design and Appearance

- 7.35 Policy EN1(a) of the CS & P DPD states that the Council will require a high standard in the design and layout of new development. Proposals for new development should demonstrate that they will: create buildings and places that are attractive with their own distinct identity; they should respect and make a positive contribution to the street scene and the character of the area in which they are situated, paying due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land.
- 7.36 Policy EN8 (Protecting and Improving the Landscape and Biodiversity) of the CS & P DPD states that the Council will seek to protect and improve the landscape and biodiversity of the Borough by refusing permission where development would have a significant harmful impact on the landscape.
- 7.37 Section 12 (Achieving well-designed places) of the NPPF places a strong emphasis on design. It states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. 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. Moreover, paragraph 130 of the NPPF states that:

Planning policies and decisions should ensure that developments:

- a) Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c) Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - d) Establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.
- 7.38 The National Design Guide (NDG), Planning practice guidance for beautiful, enduring and successful places, produced by the former Ministry of Housing, Communities and Local Government (MHCLG) in 2021, sets out what makes well designed places. Paragraphs 43 and 44, note that well designed buildings do not need to copy what is already in existence but do need to integrate with the surroundings in a number of ways including physically, socially and visually:

“Well-designed new development is integrated into its wider surroundings, physically, socially and visually. It is carefully sited and designed, and is demonstrably based on an understanding of the existing situation, including:

- *the landscape character and how places or developments sit within the landscape, to influence the siting of new development and how natural features are retained or incorporated into it;*
- *patterns of built form, including local precedents for routes and spaces and the built form around them, to inform the layout, grain, form and scale – see Built form;*
- *the architecture prevalent in the area, including the local vernacular and other precedents that contribute to local character, to inform the form, scale, appearance, details and materials of new development – see Identity.*
- *uses and facilities, including identifying local needs and demands that well located new facilities may satisfy; and*
- *public spaces, including their characteristic landscape design and details, both hard and soft.*

However, well-designed places do not need to copy their surroundings in every way. It is appropriate to introduce elements that reflect how we live today, to include innovation or change such as increased densities, and to incorporate new sustainable features or systems.”

7.39 The NDG also addresses how we recognise well design places by outlining ten characteristics; context, identity, built form, movement, nature, public spaces, uses, homes and buildings, resources and life span. The Built Form characteristic is identified as the *“three dimensional pattern or arrangement of development blocks, streets, buildings and open spaces. It is the interrelationship between all these elements that creates and attractive place to live, work and visit rather than their individual characteristics.”*

“Well designed places are considered to have:

- *compact forms of development that are walkable, contributing positively to well-being and placemaking;*
- *accessible local public transport, services and facilities, to ensure sustainable development; recognisable streets and other spaces with their edges defined by buildings, making it easy for anyone to find their way around, and promoting safety and accessibility; and*
- *memorable features or groupings of buildings, spaces, uses or activities that create a sense of place, promoting inclusion and cohesion.”*

7.40 The application site comprises an open field that is entirely free of development. It is currently grassland, although it has been used for arable purposes in the past. The site forms part of a larger field that extends further to the north, up to where it meets a row of trees that mark the boundary with Staines Rugby Club. There is no boundary treatment separating the application site with the northern part of the field. The site and the surrounding open land is rural in character. The surrounding highway verge

along Vicarage Road and Groveley Road contains some trees and other vegetation. However, there are gaps in-between many of the trees and consequently clear views into and across the site.

- 7.41 Vicarage Road runs along the western boundary of the site. This highway and the most southern part of Groveley Road forms a strong boundary between the urban area of Sunbury and the rural land to the east and north-east. There is traditional suburban housing located on the western side of the highways. There is also a small parade of shops on the north-western side of Groveley Road. The only building located on the same side of the road as the application site is the Running Horse Public House and its car park.
- 7.42 To the south of the site, the highway of Bryony Way also forms a strong boundary between the urban area of Sunbury and rural character of the open land. This boundary is reinforced by the adjacent Felthamhill Brook and a belt of trees alongside it.
- 7.43 To the east is the Kenyngton Recreation Ground comprising playing fields, play areas and an ancillary building. There are extensive open views from the recreation ground across the application site and towards Vicarage Road and Groveley Road. Further to the north and east is more open land within the London Borough of Hounslow. This includes Staines Rugby Club. The large area of surrounding open land together with the application site adds to the strong rural character of the area. As mentioned above, this rural area forms a strongly performing Green Belt between the urban areas of Feltham/Greater London to the north and Sunbury to the south.
- 7.44 The proposed development will involve replacing the existing open field with the Use Class C2 residential buildings, Village Centre building, care home and other associated development. The proposed buildings will be spread across almost the entire site, creating a clear change in the character of the site from rural to urban. The long-distance views across the existing field and the further open land beyond the site will effectively be lost because of the development. The scheme is therefore considered to harm the character and appearance of the area, contrary to Policies EN1 and EN8 of the CS & P DPD, and Section 12 of the NPPF.
- 7.45 It is acknowledged that the proposed buildings facing onto Vicarage Road and Groveley Road will be set back from the highway to some extent, and there will be scope for some tree planting in the front garden areas, in addition to the existing trees on the highway verge. The applicant is also proposing to carry out tree planting within their 'Landscape Buffer' that will run along the northern boundary of the site. The submitted parameter plans show, for example, a landscape strip in front of the new care home of approximately 15 metres (including the existing highway verge). However, in relation to Kenyngton Recreation Ground, the parameter plans propose a landscape buffer strip of only 2 metres between the new built development and the eastern boundary. Despite the proposed planting, it is considered the proposed buildings will still be clearly visible from many public viewpoints along Vicarage Road, Groveley Road and the recreation ground, thereby harming the existing character of the area.

- 7.46 The applicant has submitted a Landscape and Visual Impact Assessment (LVIA) in support of the scheme. The LVIA concludes that the landscape character of the site in its local context is considered to be of “medium sensitivity” in landscape terms and that a scheme of mitigation proposed (e.g., landscape strips and tree planting) will be successful in reducing impacts and mitigating the overall significance of landscape and visual effects. The report also concludes that there is very little visibility of the site from the local landscape context, consequently minimising potential views of the proposed development. Overall, the proposed development will not result in significant landscape and visual effects.
- 7.47 Whilst it is acknowledged that the application site does not have any formal landscape-specific designation in the Council’s Development Plan, it is considered that the applicant’s LVIA does not provide an accurate reflection of both the existing character and the impact of the proposed development. The site is open visually from both the site itself and the surrounding area. Existing tree and hedge planting along Vicarage Road and Groveley Road is intermittent and relatively sparse. Indeed, there are large gaps along this street scene that the selected views in the LVIA have not referred to. This existing planting is almost entirely sited on the highway verge which is not owned by the applicant. The two new access roads onto Vicarage Road will break up the existing verge and clearly have an immediate urbanising visual impact on the street scene. There are extensive views from the highways across the site and beyond over the further open land. The open character and views are also prevalent from the adjacent recreation ground. The proposed development will result in a fundamental change in the existing open and rural character of the area. It is not considered that the proposed landscape buffer strips and associated tree and shrub planting will mitigate against this substantial harm of building on an area of open countryside.

Highway Safety

- 7.48 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
- 7.49 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.’
- 7.50 The proposal involves the creation of two new accesses onto Vicarage Road. The main access will be sited opposite 9 & 11 Vicarage Road. This new access is fully included within the “Full element” of the hybrid application and consequently, full details of its design and layout have been provided at this

stage. It is a bell mouth-style access with new pavements provided either side, that will link up with the existing pavement along Vicarage Road. Because the existing south-bound bus stop is located in close proximity to the new access, the applicant is proposing to move it to a new location further to the south. A new pedestrian traffic island across Vicarage Road is also proposed to the north of the new access. A secondary access is also proposed further to the south. This will provide access to the new care home. It will also serve as an emergency access to the Retirement Village.

- 7.51 In terms of the proposed road layout within the site, a new circular route forms the main arrangement serving the Retirement Village, with the access and parking area serving the “Village Centre” in the middle of the site. This includes the details of the roadways, footways, and the location of the parking spaces. Although little information has been provided at this stage regarding the road layout of the “Outline element”, a parameter plan has been submitted showing the approximate location of the circular road (with flexibility of up to 7.5 metres deviation), and it linking up with the new southern access and the roadway layout associated with the “Full element”. The parameter plan does not, however, provide any detail regarding how the road will be laid out in the area of land to the east of the pipeline in the ‘Outline’ element of the application.
- 7.52 The County Highway Authority (CHA) was consulted on the planning application and has raised no objection on highway safety grounds subject to the imposition of conditions. The CHA has also requested a financial contribution of £6,150 to cover the cost of auditing a Travel Plan. The proposed conditions include ones necessary to secure the new pedestrian traffic island, the relocated and improved bus stop, and other associated highway works. With regard to traffic generation, the applicant has carried out a TRICS assessment (Trip Rate Information Computer System) which was used in their Transport Assessment to determine the expected vehicle movements to/from the site. This factors in both the Full and Outline elements (i.e., the proposal in full: 164 units and the 60-bed care home). The CHA has commented in their highway response that they consider the proposal provides a robust assessment and make the following comments:

“The provided data for the proposed development shows that the peak hour departures would be 32 vehicles between 08:00 – 09:00 , and peak arrivals would be 31 between 17:00 – 18:00. Therefore, it is unlikely that this scale of trip generation would cause any capacity issues at any of the junctions on Vicarage Road”.

- 7.53 Taking into account the CHA’s comments, it is considered that the proposal’s impact on highway safety is acceptable and the development therefore accords with the requirements of Policy CC2 of the CS & P DPD.

Parking

- 7.54 Policy CC3 (Parking Provision) of the CS & P DPD states that the Council will require appropriate provision to be made for off-street parking in development proposals in accordance with its maximum parking standards.

- 7.55 On 20 September 2011 the Council's Cabinet agreed a 'Position Statement' on how Policy CC3 should now be interpreted in the light of the Government's recent parking policy changes. The effect of this is that the Council will give little weight to the word 'maximum' in relation to residential development when applying Policy CC3 and its residential parking standards will generally be applied as minimum (maximum parking standards continue to be applicable in relation to commercial development). These minimum standards are applied in relation to sheltered housing and special needs accommodation, as well as normal residential development. In relation to sheltered housing, the minimum standard is 0.4 parking spaces per unit. For a care home, the minimum standard is 5 spaces for the first 10 residents, plus 1 for every additional 5 residents.
- 7.56 Surrey County Council's parking standards ('Vehicle, Cycle and Electric Vehicle Parking Guidance for New Development February 2023') is useful assistance only in relation to the planning application, particularly as it is much more up to date. This guidance is applied as maximum parking standards, even for residential development. For a suburban location it recommends 1 parking space for 1- & 2-bedroom flats and houses. These standards apply for both traditional housing and residential development where there is an element of care. Regarding care homes, the guidance recommends a maximum of 1 car space per 2 residents, or individual assessment/justification to be applied.
- 7.57 With regard to the "Full element" of the hybrid application, a total of 55 parking spaces are to be provided, and these are shown on the submitted site layout plan. The proposed parking spaces are to serve the new residents, as well as staff and visitors. Spelthorne's Parking Standards for sheltered housing would require a minimum provision of 27 spaces for a scheme of this size. The proposed parking provision exceeds the minimum standard by some 28 spaces and is therefore acceptable. Surrey County Council's Parking Guidance stipulates a maximum (not minimum) standard of 66 spaces for a development of this scale. As the proposed provision does not exceed this maximum standard, the proposal is also considered to comply with Surrey County Council's Parking Standards.
- 7.58 The CHA has assessed the proposed level of parking and has raised no objection on this issue. They make the following comments:

"Overall, 55 allocated spaces have been provided for Phase 1 of the IRC [Full element of the Integrated Retirement Village]. Based on data from similar developments operated by the Applicant, it has been established that circa 70% of residents are car owners, suggesting that 46 spaces would be needed for the proposed 66 care units. However, with 28 units being designated 'close-care' it is less likely they will house residents who can drive. Therefore a parking demand of 27 spaces for the 38 extra-care units has been calculated, allowing between 9 and 27 spaces for staff and visitors. Generally, it is considered that the spaces are reasonably located with respect to the dwellings which they will serve."

- 7.59 With regard to the “Outline element”, full details of the proposed level of car parking have not been provided at this stage, as these will be submitted as part of the Reserved Matters application. However, the applicant has submitted an ‘Illustrative Site Masterplan’ which indicates how the proposed 98 No. extra-care units and the 60-bedroom care home associated with the ‘Outline element’ could potentially be laid out across the site. The Masterplan also shows the location of the indicative car parking spaces, which would total 84 spaces for extra-care units and 30 spaces for the care home. As stated above, these parking numbers are not fixed at this stage and could potentially change at the Reserved Matters stage. However, the plan does show that this level of parking could be laid out across the site in a satisfactory manner whilst integrating well with the “Full element” of the overall scheme. If this level of parking provision was to be applied, it would comply with Spelthorne’s minimum standards: 40 spaces for the 98 extra-care units and 15 spaces for the care home.
- 7.60 It is relevant to note that the applicant states that it is proposed to provide all residents’ spaces with fast charge electric charging points. The remainder of the spaces would be provided with passive charging infrastructure to allow increased electric vehicle charging provision in the future.
- 7.61 Accordingly, the proposed level of parking provision is considered acceptable and complies with the requirements of Policy CC3 of the CS & P DPD.

Flooding

- 7.62 Policy LO1 of the Core Strategy and Policies Development Plan Document (CS & P DPD) states the Council will seek to reduce flood risk and its adverse effects on people and property by requiring all development proposals within Zones 2, 3a and 3b, and developments outside this area (Zone 1) on sites of 0.5 ha., or of 10 dwellings or 1000m² of non-residential development or more, to be supported by an appropriate Flood Risk Assessment (FRA). The Policy also states that the Council will require the reduction of the risk of flooding from surface water and its contribution to fluvial flooding by requiring developments to have appropriate sustainable drainage schemes (SuDS).
- 7.63 The vast majority of the application site is located within Flood Zone 1 (low probability of flooding with less than 1 in 1000 year chance of flooding) and the Applicant has submitted a FRA in accordance with Policy LO1. Only the far southern edge of the site, adjacent to Felthamhill Brook, is located with the medium flood risk Zone 2. The principle of locating the proposed development within Flood Zone 1 is acceptable. The Environment Agency was consulted on the planning application and has raised no objection on flooding grounds.
- 7.64 Regarding surface water drainage, the applicant has submitted details of a proposed sustainable drainage scheme (SuDS) designed to cover both the ‘Full’ and ‘Outline’ elements of the development. The proposed scheme includes the provision of ‘swales’, underground attenuation tanks, and permeable paving for the new parking spaces. The Lead Local Flood Authority (LLFA) was consulted on the planning application and has

responded by raising an objection. In particular, the LLFA states that the proposed surface water drainage scheme does not meet the requirements of the NPPF, its accompanying PPG and the Non-Statutory Technical Standards for sustainable drainage systems. Insufficient information has been provided and issues have been identified. Furthermore, the LLFA states the following:

“A surface water discharge rate of 8.1 litres/sec is proposed from the application site. No evidence has been supplied to demonstrate how the discharge rate has been calculated and whether the rate has been calculated based on the entire site (5.3 ha.) or the proposed positively drained area of the site (2.24 ha.).

Many low flow control devices are available on the market to enable very low discharge rates to be achieved. We do not have a minimum acceptable discharge rate, each application is assessed on a site-by-site basis, taking into consideration self-cleansing velocity, space for attenuation, outfall level and blockage risk, etc. Supporting evidence must be submitted to justify the discharge rate proposed.

*In accordance with **Technical Standard S2:***

‘For greenfield developments, the peak runoff rate from the development to any highway drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event should never exceed the peak greenfield runoff rate for the same event’

No evidence has been provided which confirms how the Technical Standard has been met.

The Applicant makes reference to the use of green roofs, filter strips, and bioretention areas in addition to the permeable paving, swales and attenuation tanks which are clearly illustrated on the proposed drainage strategy drawing. The proposed green roofs, filter strips and bioretention areas should be illustrated on a plan to ensure the proposals are followed through to the detailed design stage.”

- 7.65 The LLFA’s consultation response was forwarded to the Applicant. However, at the time of writing, no changes to the SuDS had been submitted and consequently the proposal is considered unacceptable on sustainable drainage grounds.

Affordable Housing

- 7.66 Policy HO3 of the CS & P DPD requires up to 50% of housing to be affordable where the development comprises 15 or more dwellings. The Council’s policy is to seek to maximise the contribution to affordable housing provision from each site having regard to the individual circumstances and viability, including the availability of any housing grant or other subsidy, of development on the site. Negotiation is conducted on an ‘open book’ basis. In terms of tenure, Policy HO3 states that the provision within any one scheme may include social rented and intermediate units, subject to the

proportion of intermediate units not exceeding 35% of the total affordable housing component.

- 7.67 It is noted that the type of housing associated with this scheme is specialist 'extra-care' and 'close-care' units to be occupied by residents aged 65 and over (Use Class C2). There is also a care home provided. Whilst this is a different tenure to traditional Use Class C3 dwellings, it is considered that the requirements of Policy HO3 to provide up to 50% affordable housing are still applicable for this type of specialist housing. Indeed, Strategic Policy SP2 (Housing Provision) of the CS & P DPD states that within the overall housing provision total for the Plan Period, the Council will require a mix of tenure, size and type to meet identified housing needs, including provision to meet the needs of vulnerable groups. It will seek to ensure that 40% of the total housing provision is in the form of affordable housing. Moreover, the supplementary text to Policy SP2 states:

“Within the overall total the form of housing provided must reflect local needs. These include a growth in smaller households, an increasing proportion of elderly people and meeting the requirements of other groups with specific needs.”

Whilst the emerging Local Plan has limited weight at this stage, it is relevant to note that draft Policy H2 (Affordable Housing) is proposed to be amended so that the requirement to provide affordable housing will apply to all residential development falling within Use Classes C2, C3, and C4.

- 7.68 With regard to the proposed housing, all of the new 'extra-care' and 'close-care' units are to be privately owned and managed. None of the units are to be provided as affordable housing. In accordance with Policy HO3, the Applicant has submitted a financial viability report to show why they consider it is not viable to provide any affordable housing on the site. The Applicant states that the notable reasons for it not being viable include the inability to compete on land prices with market housebuilders, increasing build costs, and revenues generated from the care home element and extra-care units fall below standard saleable values.
- 7.69 The viability report has been reviewed on an 'open book' basis by the Council's valuation advisor (BPS Chartered Surveyors). The valuation advisor disagrees with many of the facts and figures provided in the viability report. They consider that the proposed development could produce a provisional surplus of between £2,487,831 to £27,081,420. On this basis, they have calculated that the scheme would be able to make a significant contribution towards affordable housing. They note that their position is not yet finalised pending further cost information from the Applicant. This additional information was requested, but the Applicant has declined to provide it, thereby preventing the Local Planning Authority from thoroughly assessing the viability of the proposal. Consequently, the lack of any affordable housing provision on the site is considered unacceptable and the scheme does not accord with the requirements of Policy HO3 of the CS & P DPD.

7.70 Notwithstanding the submitted financial viability report, the Applicant states in their Planning Statement that they consider that this type of specialist housing proposed is exempt from the need to provide affordable housing. They refer to Paragraph 65 of the NPPF where there is a specified exemption relating to specialist accommodation for groups of people with specific needs (such as purpose-built accommodation for the elderly or students). Paragraph 65 is set out in full below:

“Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exemptions to this 10% requirement should also be made where the site or proposed development:

- a) Provides solely for Build to Rent homes;*
- b) Provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students);*
- c) Is proposed to be developed by people who wish to build or commission their own homes; or*
- d) Is exclusively for affordable housing, an entry-level exception site or a rural exception site.”*

7.71 The Council does not consider that the exemption referred to in Paragraph 65 b) of the NPPF has been correctly interpreted by the Applicant. The exemption relates specifically to providing a 10% provision of ‘affordable home ownership’ as part of an overall provision of affordable housing on major developments. Whilst the Applicant may be exempt from providing an element of ‘affordable home ownership’, they are still required to provide other tenures of affordable housing.

7.72 Accordingly, the application is unacceptable on affordable housing grounds.

Land Contamination

7.73 Policy EN15 (Development on Land Affected by Contamination) of the CS & P DPD states that the Council will ensure that where development is proposed on land that may be affected by contamination, action will be taken to ensure the site is safe or will be made safe for its intended use. Where applicants failed to demonstrate to the Council’s satisfaction that treatment of contamination will be carried out appropriately to a standard sufficient to enable the development to be safely occupied then permission will be refused.

7.74 Paragraph 174 (of Section 15: Conserving and enhancing the natural environment) of the NPPF states that:

Planning policies and decisions should contribute to and enhance the natural and local environment by:

- e) *Preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and*
- f) *Remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.*

- 7.75 The site and the wider surrounding area was previously subject to gravel extraction and was used as a landfill site. It was filled in the 1950's with inert waste. As it is an historic landfill, it predates modern landfill standards. The site comprises a top layer of natural soil which enables the land to be used for agricultural purposes. However, underneath the top layer, the ground is contaminated due to the inert waste associated with the former landfill. Indeed, the Applicant has submitted a 'Desk Study and Ground Investigation Report' which confirms that the ground contains elevated levels of contaminants. The Applicant has also submitted a Remediation Report, and other associated information.
- 7.76 The Council's Pollution Control Officer (Environmental Health) was consulted on the planning application and has responded by raising no objection subject to the imposition of conditions. The Officer is satisfied with the Applicant's potential foundation methods for the site and that suitable mitigation measures can be secured to prevent any adverse impacts. Accordingly, the proposal is considered acceptable on contaminated land grounds.

Ecology

- 7.77 Policy EN8 of the CS & P DPD states that the Council will seek to protect and improve the landscape and biodiversity of the Borough by ensuring that new development, wherever possible, contributes to an improvement in the landscape and biodiversity and also avoids harm to features of significance in the landscape or of nature conservation interest. It is also important to note the guidance regarding protected species in Circular 06/2005. This states that "*it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.*" The NPPF states that "*If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.*"
- 7.78 There are a significant number of existing trees located on the application site. Almost all of them are located along the edge of the site, particularly along the Vicarage Road frontage. Some of them are sited on the existing highway verge, which is included within the red line of the application site.

7.79 The Applicant has submitted an Ecological Assessment report with the planning application. Given the former landfill history of the site, the existing habitats are limited and are at most considered of 'local importance'. The Assessment concludes that appropriately worded conditions can be imposed to ensure that there is no overall harm to the habitats on the site. It is relevant to note that the proposed development involves a substantial new planting scheme, including the planting of many new trees. In terms of bats (protected species), the Applicant has carried out a Preliminary Bat Roost Assessment to ascertain the potential of existing trees to support roosting bats. The Assessment states that 3 no. trees to have moderate potential to support roosting bats and recommends two nocturnal surveys to be subsequently carried out. The results of the survey have revealed an occasional/transition roost of Daubentons bat in one of the trees (referred in the survey as T1).

7.80 The Surrey Wildlife Trust was consulted on the application and has made various comments and recommendations on the Ecological Assessment and the proposal's impact on wildlife. They highlight some outstanding issues that need clarifying prior to the determination of the application. With regard to the bat survey, they consider the information to be inadequate and have made the following comments:

"The above referenced Tree Survey Schedule identifies 37 trees, five tree groups, and nine 'newly planted trees in highway verge' on-site. However, Table 2.2 in the above referenced Ecological Assessment appears to suggest that only seven trees were assessed for their suitability to support roosting bats. Furthermore, as the tree reference numbers in the Ecological Assessment and the above referenced Tree Constraints Plan do not correspond it is not clear which trees with bat roost suitability are to be retained or removed. For instance, the tree referenced T1 in the Ecological Assessment that has been found to support roosting bats, does not appear on the Tree Constraints plan or in the Tree Survey Schedule.

Also, the tree referenced T4 is showing in Table 2.2 of the Ecological Assessment as having moderate potential, and therefore requiring further nocturnal survey, but is shown on the Habitat Features and Preliminary Bat Roost Assessment Plan appended to the report as being of low potential.

We advise that prior to determination of the current planning application the applicant clarifies that all trees on-site have been subject to a bat preliminary ground level roost assessment; that the impacts to any trees identified as having suitability to support roosting bats are clearly assessed; and that the suitability of the tree referenced T4 to support roosting bats is clarified."

7.81 In view of the above outstanding issues, the response from Surrey Wildlife Trust was forwarded to the Applicant requesting further information to be submitted. At the time of writing, no further information regarding the bat survey was received. Taking into account the advice in Circular 06/2005, it is

not possible at this stage to ascertain the presence or otherwise of bats on the site and accordingly, the application is unacceptable on this ground.

Neighbouring Amenity

Full Planning Application

- 7.82 Policy EN1 (b) of the CS & P DPD requires that all new developments achieve a satisfactory relationship to adjoining properties avoiding significant harmful impacts in terms of loss of privacy, daylight, sunlight, or overbearing effect due to bulk proximity or outlook.
- 7.83 The Council's Supplementary Planning Document (SPD) on the 'Design of Residential Extensions and New Residential Development' acknowledges that most developments will have some impact on neighbours, but the aim should be to ensure that the amenity of adjoining occupiers is not significantly harmed.
- 7.84 No part of the development would directly adjoin neighbouring properties, therefore the proposal is considered to retain an appropriate level of amenity to surrounding properties.
- 7.85 The nearest building to the application site is The Running Horse Pub, given its irregular location squared into the open land. This public house benefits from a car park to the south and a garden and open seating area to the east. On the north west boundary of the application site with this public house site, the proposed single storey maintenance store/energy centre would be situated close to the boundary, measuring approximately 4.8 metres in height to the ridge and 19 metres in length. Further north there is proposed to be a cycle storage adjacent to the boundary measuring 2.6 metres in height with a flat roof.
- 7.86 Although the cycle storage would be adjacent to the garden and open seating area sitting for the Public House, it is considered that the height in combination with the use of the building would not result in a harmful impact on the adjoining users of the Public House. The maintenance store/energy centre would be situated nearest to the car park serving the Public House, as a result, this is also considered to have an acceptable impact on the adjoining site. In a similar manner, the impact of Cottage S4 is considered to be acceptable as this would be nearest to the car park to the south of the Running Horse with a 29 metre separation distance from the conservatory of this public house.
- 7.87 To the north west of the site on the opposite side of the highway on the corner of Groveley Road there is a parade of shops, with commercial use on the ground floor and residential uses above. These shops are three storey in scale and would have a proposed separation distance of 34 metres with Block 1 which would measure approximately 9.6 metres in height. Block 1 would have a balcony on the first floor of the north west elevation, however given the separation distance and the angle at which this block is orientated this would not result in any direct overlooking or loss of privacy to the first floor residential units above the parade of shops.

- 7.88 The residential properties to the west of the site on the opposite side of the highway on Vicarage Way are traditional two-storey, lower density family sized dwellings. The building heights of proposed blocks 1, 1a, 2 and 3 along the western perimeter of the site are considered to respect the dwellings on Vicarage Road with an average ridge height of 9 metres.
- 7.89 The existing properties on Vicarage Road are set-back from the carriageway by approximately 15 metres and the proposed the proposed buildings would follow this pattern with a similar set-back from the carriageway, resulting in a separation distance in the range of a separation distance in the range of 37 - 41 metres. Given the separation distance and the proposed future screening with trees, the impact on the residential properties on Vicarage Road is considered to be acceptable.
- 7.90 In regards to the letters of objection received which made reference to a loss of view, it is to be noted that home owners do not have a right to an uninterrupted view, therefore the change in the view from these houses is not a material planning consideration.

Outline Application

- 7.91 The outline application has been submitted with all matters reserved. However, as part of the application, the applicant has submitted 'parameter' plans on the access, building heights and land use of the proposed development.
- 7.92 Bryony Way which is situated to the south of the site consists of residential properties and Kenyngton Manor Primary School further along the road. No. 56 Vicarage Road is situated on the corner with Bryony Way and further east there is a building with several maisonettes. Maisonettes No. 48 and No. 46 have their front elevations facing north onto the application site and No. 64 is situated on the corner plot as Bryony Way follows through further south.
- 7.93 The proposed land use parameter plans indicate that the area opposite these residential buildings would be for a Care Home, with the parameter height plans indicating a height of up to 2.5 storeys (up to 10 metres +/- 1 metre to the top of the ridge line).
- 7.94 Given the existing proposed area of green space between the care home location and the southern site boundary, which would measure approximately 14 metres in width and Felthamhill Brook, the impact of development on the residential properties and the Primary School on Bryony Way is considered to be acceptable owing to distance and tree screening.
- 7.95 To the east of the existing pipeline there is proposed to be extra-care units with a height of up to 2 storeys. Similarly, it is considered that the access road leading to Kenyngton Manor Recreation Ground, Felthamhill Brook and the thick screen of trees would provide an appropriate separation distance to mitigate any harmful loss of neighbouring amenity to the properties on Kenyngton Drive.

Future Occupiers Amenity

- 7.96 The nationally described Technical Housing Standards (THS) (March 2015), stipulates minimum internal floor area requirements for variously sized units. The following minimum requirements are relevant to the application:
- 1x bedroom, 1x storey, 2x person dwelling: 50m²
 - 2x bedroom, 1x storey, 3x person dwelling: 61m²
 - 2x bedroom, 1x storey, 4x person dwelling: 70m²
 - 2x bedroom, 2x storey, 4x person dwelling: 79m²
- 7.97 The THS also states that a single bedroom should incorporate a minimum internal floor area of at least 7.5m² and a double bedroom should incorporate a minimum floor area of at least 11.5m².
- 7.98 The proposed units all adhere to the minimum unit sizes stipulated in the THS. However, it is noted that 'Bedroom 2' serving 'Plot 29' and 'Plot 32' measures approximately 6.9m² falling short of the 7.5m² minimum floor space set out in the THS. Whilst not ideal, when considered in the context the proposal as a whole, a 0.6m² shortfall is not considered to cause sufficient harm to reasonably justify a recommendation for refusal.
- 7.99 It is also noted that all of the dwellings in the 'Village Centre' building would be single aspect and none of the kitchens, which constitute habitable rooms, would be served by a window. As such, no outlook would be provided to the occupiers of these rooms, which is not considered to be ideal, although it is not considered that an objection could be sustained on these grounds alone.
- 7.100 The plans also show that each of the units would contain a ground floor terrace or balcony, which is considered to be satisfactory.

Sustainability/renewable energy

- 7.101 Policy CC1 of the Council's CS & P DPD states that the Council will support the provision of renewable energy, energy efficiency and will promote sustainable development generally by including measures to provide at least 10% of the development's on-site renewable energy sources to be provided by renewable sources, unless it can be shown that it would seriously threaten the viability of the development.
- 7.102 The applicant has submitted an energy strategy, which indicates that air source heat pumps, ground source heat pumps and photovoltaic panels are proposed to be included in the development proposals. The report has been reviewed by the Council's Sustainability Officer who has confirmed that the application meets the renewable energy requirement. The proposal is therefore considered to be in accordance with the objectives of Policy CC1.

Trees and landscaping

- 7.103 It should be noted that landscaping is a matter that has been reserved in the outline application.
- 7.104 In regards to the 'full application' Policy EN8 of the CS & P DPD states that the Council will seek to protect and improve the landscape and biodiversity in the Borough by ensuring that new development wherever possible contributes to an improvement in the landscape and avoids harm to features of significance in the land scape or of nature conservation importance.
- 7.105 At paragraph 131, the NPPF states that Trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. Planning decisions should ensure that new streets are tree lined, opportunities are taken to incorporate trees elsewhere in developments and appropriate measures are put in place to secure long term maintenance of newly planted trees.
- 7.106 The application has been reviewed by the Council's Tree Officer, who has raised no objections subject to the securing of an Arboricultural Method Statement and Tree Protection Plan. Had the proposal been acceptable in all other regards, it would have been recommended that this was secured by condition.
- 7.107 Furthermore, in the event that the proposal been considered acceptable in all other regards, a landscaping condition would have been attached to the decision notice to secure landscaping details for the 'full' element.

Air Quality

- 7.108 Policy EN3 of the of the Council's CS & P DPD states that the Council will seek to improve the air quality of the borough and to minimise harm from poor air quality. This includes but is not limited to, refusing development where the adverse effects on air quality are of a significant scale, either individually or in combination with other proposals, and which are not outweighed by other important considerations or effects cannot be appropriately and effectively mitigated.
- 7.109 The applicant has submitted an Air Quality Assessment, which has been reviewed by the Council's Environmental Health Department. There were queries regarding the information contained within the submissions relating to the assessment of the impacts on air quality and to securing sustainable travel measures. These queries were forwarded onto the applicant, however, no response had been received from the applicant at the time of writing this report. Therefore, the Council's Environmental Health Department recommends conditions be attached to the decision notice in the case of an approval and that a revised air quality assessment be secured as a requirement under reserved matters as further air quality assessment would be required for the outline part of the application.

Pipeline

- 7.110 The Walton to Heathrow High Pressure Pipeline crosses part of the application site and is managed by the British Pipeline Association (BPA).

The indicative site layout submitted as part of the scheme illustrates that there will need to be a roadway and two footpaths constructed over the pipeline easement area in order to access the southern part of the site. BPA have been consulted on this application and have no in principle objection to the works.

Archaeology

- 7.111 Whilst the application site itself is not situated within an area of high archaeological importance, the Council's Saved Local Plan Policy BE26 from Spelthorne Borough Local Plan 2001 states that 'Outside the defined areas of high archaeological potential, the Borough Council will require an agreed scheme of archaeological assessment or evaluation appropriate for the site concerned to be submitted with any new development proposal for a site larger than 0.4 ha, and for smaller sites if deemed necessary.
- 7.112 No archaeological assessment had been submitted with this application, however, the County Archaeology Officer has been consulted on this and raises no objection subject to the imposition of a condition to secure the implementation of a programme of archaeological investigation.

Other matters

- 7.113 Policy HO4 of the of the Council's CS & P DPD on Housing Size and Type which states that the Council will ensure that the size and type of housing reflects the needs of the community by, encouraging the provision of housing designed to meet the needs of older people, including the provision of 400 units of extra care housing on suitable sites over the period 2006 to 2026. It is considered that the proposal would accord with Policy HO4, providing a total of 136 extra-care units and 28 'close-care' units.
- 7.114 With regard to Policy CO3 (Provision of Open Space for New Development), it is not considered the Applicant is required to provide a proportion of open space to accommodate a children's play area for this particular type of development. The proposal does not involve the creation of any family dwellings. Notwithstanding the proposed use, there are areas of open space provided as part of the new development and there is a large existing recreation ground located immediately adjacent the application site.

Equalities Act 2010

- 7.115 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:
- 7.116 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

- 7.117 This planning application has been considered against the provisions of the Human Rights Act 1998.
- 7.118 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.
- 7.119 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.
- 7.120 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 refusal of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

Financial Considerations

- 7.121 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. It is relevant to note that the proposal is not a CIL chargeable development due to it being specialist housing for the elderly (Use Class C2). The proposal will generate a New Homes Bonus and Council Tax payments which are not material considerations in the determination of this proposal.

Other Considerations

- 7.122 The proposal would constitute inappropriate development in the Green Belt. In line with the NPPF, the LPA attaches substantial weight to this harm. It would also cause substantial harm to the openness of the Green Belt, by introducing development across the majority of the 5.3-hectare site that is currently open and rural in character and free from built form. The LPA also attaches substantial weight to this harm, which weighs heavily against the proposals. Moreover, the proposal would also conflict with the NPPF purposes of including the land within the Green Belt, as it would substantially

increase urban sprawl and reduce the visual gap between Spelthorne and Greater London. The proposal would also encroach onto open countryside.

- 7.123 The NPPF states that inappropriate development in the Green Belt should not be approved except in very special circumstances. When considering any planning application, the NPPF also states that 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 proposals is clearly outweighed by any other considerations.
- 7.124 In addition to Green Belt harm, the other harm identified in this report relates to the harm to the existing rural character and appearance of the site, the submission of insufficient information to demonstrate that the full impact to bats has been assessed, a failure to demonstrate that flood risk would be minimised to an acceptable level, and the failure to provide any affordable housing.
- 7.125 The applicant has put forward 3 material considerations in their Planning Statement to justify the proposed development, which they believe comprise 'very special circumstances'. These are:

i) The contribution to Housing Land Supply.

ii) Addressing what the applicant considers to be a significant shortfall in Extra Care requirements in Spelthorne.

iii) Sustainability benefits.

- 7.126 The matters are each assessed below.

The Contribution Towards Housing Land Supply

- 7.127 The applicant's planning statement draws attention to paragraph 11 d) of the NPPF and the presumption in favour of sustainable development where policies which are most important for determining the application are out of date.
- 7.128 Whilst not covered in the 'very special circumstances' section of their planning statement, the applicant has also submitted an '*Assessment of Spelthorne's Five Year Housing Land Supply*', which suggests that the Council can only support a housing land supply of 2.75 years.
- 7.129 The applicant also states that the majority of development in the borough is on previously developed land and given the limited supply of deliverable sites in the borough, this provides a significant constraint on the delivery of housing, as housing cannot be accommodated solely on brown field land. As such the applicant considers that Green Belt release is required to facilitate substantial development.

Response

- 7.130 The LPA calculates that it can demonstrate a housing land supply of 3.52 years, although it is not disputed that a 5-year housing land supply cannot be demonstrated.
- 7.131 At paragraph 11, the NPPF states that planning decisions should apply a presumption in favour of sustainable development. For decision making, where there are no relevant development plan policies, or the policies that are most important for determining the application are out of date (including where a 5-year housing supply cannot be demonstrated), the NPPF advises that planning permission should be granted, unless policies relating to protected areas provides a clear reason for refusing the development.
- 7.132 At footnote 7, the NPPF clarifies that protected areas includes land designated as Green Belt and therefore the 'tilted balance is not applicable'. In this instance, the application proposes inappropriate development, which has a significant adverse impact upon the Green Belt and significantly reduces openness, increases urban sprawl, and substantially reduces the visual gap between Spelthorne and Greater London. As such, the LPA considers that there is a clear reason for refusing the application when it is assessed against the policies in the Framework.
- 7.133 Notwithstanding the absence of the 'tilted balance', the proposal would nevertheless make a significant contribution to the to the Council's 5-year housing land supply, comprising 136 extra care units across the outline and full elements, 28 close care units, in addition to the 60-bed care home, which weighs in the developments favour and is attributed significant weight.
- 7.134 The release of land from the Green Belt is also a matter for the Local plan process. Land cannot be released in an individual planning application.

Addressing what the applicant considers to be a significant shortfall in Extra Care requirements in Spelthorne.

- 7.135 The applicant has submitted a '*Social needs report supporting the development of extra care accommodation and a care home for older people in the area of Spelthorne*'. The report suggests that there are currently 675 bedspaces in care homes in Spelthorne, and 557 specialist housing units, 159 of which can be considered 'housing with care'. The report further identifies that there is a need for at least 282 market care units in 2022, increasing to 384 market extra care units by 2040.
- 7.136 The applicant also considers that the Council's Local Plan 2022-2037, has underestimated the required level of market extra care. The report notes that 2021 Census data indicates that there are 18,600 individuals who are over 65 and over living in Spelthorne, including 2,900 who are aged 85 and over. The report further suggests that between 3,600 to 8,200 older people currently require care and support to varying degrees, which is projected to increase to between 5,000 to 11,000 by 2040.

Response

- 7.137 The Council's Strategic Housing Market Assessment (SHMA), prepared as part of the Council's Local Plan 2022-2037, identifies a deficit of 358 rented houses with support, 728 leasehold houses with support, 116 rented housing with care units, 288 leasehold housing with care spaces and 589 care bed spaces by 2035.
- 7.138 The Council's Local Plan 2022-2037 seeks to deliver 9,270 new homes, which equates to 618 homes per year. The Council's Strategic Planning Department has confirmed that the 618 requirement includes provision for meeting the needs of elderly people.
- 7.139 Whilst sites have not been specifically allocated for C2 uses in the Local Plan 2022-2037, Policy H1 would seek to support the provision of elderly housing for people on suitable sites. As such, housing provision for the elderly is accounted for in the Emerging Local Plan, although the applicant considers that there is an under provision for market care. However, it should also be noted that at this stage, the Council's Emerging Local Plan only attracts limited weight.
- 7.140 In any event, the proposal would provide 136 extra care units (38 in the full element, 98 in the outline), 28 close care units and up to 60 care home bedspaces. This weighs in the developments favour and the contribution of specialist housing is attributed significant weight.

Sustainability benefits

- 7.141 The applicant also considers that the sustainability benefits of the proposals would constitute a 'very special circumstance'. They suggest that there are Economic, Social and Environmental Benefits of the proposals.
- 7.142 The applicant considers that the economic benefits include the provision of employment opportunities, including during the construction period and as a result of indirect jobs. They also consider that the proposals would improve choice and competition in the residential market place.
- 7.143 The applicant considers that the social benefits would include the creation of a strong and balanced community, and the release of housing stock for conventional occupiers. They also note that the proposal would include a new medical facility.
- 7.144 The applicant also considers that the proposal would deliver significant ecological enhancements, including enhancements to soil conditions, landscape improvements and biodiversity and ecological enhancements.

Response

- 7.145 The applicant's renewable energy statement has been reviewed by the Council's Sustainability Officer, who has confirmed that the proposal significantly exceeds that Council's 10% renewable energy requirement set out in policy CC1. All developments regardless of whether they are in the

Green Belt or on brownfield land are expected to comply with this policy. This is therefore attributed limited weight.

- 7.146 The applicant also suggests that the proposal would create jobs both during and after the construction process and they also consider that there would be social benefits as the proposal would create a strong and balance community. Whilst employment opportunities would be a benefit, this would only attract limited weight.
- 7.147 The applicant further considers that the proposals would release under-occupied housing stock into the market. There would be some benefit to this, although any development for new units in any part of the borough has the potential to free up other dwellings. Moreover, there would be no planning control over whether future occupiers would be moving from existing dwellings within Spelthorne or other areas outside of the borough and so this benefit is only attributed limited weight.
- 7.148 The applicant further considers that the proposal would provide environmental benefits through ecological enhancements and enhancements to soil. Whilst this is noted, it is important to note that there are some outstanding ecology issues associated with the scheme.
- 7.149 The provision of facilities within the site, including a proposed medical facility would provide some benefits and is attributed moderate weight.

Other Matters

- 7.150 Although not listed as a 'very special circumstance' in the applicant's planning statement, an alternative sites survey has been put forward, which of the 189 sites considered, concludes that only one site would meet the applicants' requirements (land to the west of Long Lane and South of Blackburn Trading Estate).
- 7.151 In the assessment, viability was considered, as the applicant has indicated that they cannot compete with C3 Housebuilders in this regard. Sites with planning permission for a C3 use were therefore not considered.
- 7.152 The assessment also considered amenity, topography and site layout, settlement links and access. It is also understood that only sites available within the applicant's timescale were considered, and sites with complicated land ownerships were also excluded.
- 7.153 The assessment also only considered sites over 3ha, as the applicant considers that a site of this size is required to provide the village core, net gain requirements and landscaping.

Response

- 7.154 The LPA considers that sites that do not fit the applicant's particular operating model should not be excluded for potential C2 use, as there are other providers and operators who may be able to achieve C2 use on sites smaller than 3 hectares.

7.155 Given the parameters employed by the alternative site assessment, it is not considered that it has been demonstrated that there are no other sites available (other than land to the west of Long Lane and to the South of Blackburn Trading Estate) that could support a C2 use. It is therefore considered that only limited weight should be attributed to the applicant's alternative sites assessment.

Conclusion

7.156 The proposal could make a significant contribution to the Council's 5-year housing land supply through the provision of 136 extra care units and 28 close care units, which is attributed significant weight. The application would also provide a combined total of 164 extra care and close units, and 60 care home spaces, where there is a requirement for such spaces that is likely to increase over time with an expanding elderly population. The proposal would therefore provide specialist housing in the borough, which is attributed significant weight.

7.157 The Council's Emerging Local Plan 2022-2037, would support provision for elderly housing needs through policy H1, although would not allocate specific sites for this use. However, at this stage, only limited weight can be given to the Emerging Local Plan.

7.158 The proposal would also provide other benefits, with limited weight attributed to employment opportunities. Moderate weight is also attributed to the provision of facilities within the site including the proposed medical facility. However, only limited weight is also attributed to the applicant's assessment of alternative sites given the parameters employed.

7.159 Nevertheless, the proposals would represent inappropriate development in the Green Belt, which in itself weighs heavily against the merits of the scheme, and which the NPPF advises, should be attributed substantial weight. The proposal would also very substantially reduce the openness of the Green Belt, to which the LPA also attributes substantial weight.

7.160 Furthermore, the proposal would conflict with three of the purposes of including the land within the Green Belt outlined in paragraph 138 of the NPPF. The proposal would result in significant urban sprawl across the majority of the 5.3 hectare site and would significantly reduce the visual gap between Spelthorne and Greater London conflicting with the purpose of preventing neighbouring towns from merging into one another. The scheme would also encroach into the countryside in an open and rural site.

7.161 Moreover, the proposal would cause harm to the open and rural character of the site contrary to the objectives of Policy EN1 and the NPPF to which substantial weight is also attributed.

7.162 Furthermore, it has not been demonstrated that the development would have an acceptable impact upon bats or that the proposals would have an acceptable impact upon flood risk, which is also attributed significant weight.

7.163 The applicant has also not demonstrated that the provision of affordable housing would be unviable. The absence of any affordable housing would be contrary to the objectives of policy HO3, which is also attributed significant weight.

7.164 It is not considered that the substantial harm to the Green Belt, by reason of inappropriate development, adverse impacts upon openness, and conflict with the purposes of the Green Belt, and other harm identified in this report would be outweighed by other considerations. It is therefore considered that no 'very special circumstances' have been demonstrated to outweigh the harm to the Green Belt and any other harm. The proposal would therefore be contrary to the objectives of the NPPF, Saved Policy GB1, and Policies EN1, EN8, HO3, of the Core Strategy and is recommended for refusal for the following reasons.

8. Recommendation

8.1 REFUSE for the following reasons:

1. The development represents inappropriate development in the Green Belt for which no very special circumstances have been demonstrated. It will result in the site having an urban character, will diminish the openness of the Green Belt and conflict with the purposes of including land within it. In particular, it would not comply with the Green Belt purposes: to check the unrestricted sprawl of large built-up areas, to prevent neighbouring towns from merging into one another, and to assist in safeguarding the countryside from encroachment. It is therefore contrary to Saved Policy GB1 of the Spelthorne Borough Local Plan 2001 and Section 13 (Protecting Green Belt Land) of the National Planning Policy Framework 2023.
2. The proposed development, in terms of its design, scale and location, is considered to harm the existing rural character and appearance of the area and would fail to make a positive contribution to the street scene. The proposal is therefore contrary to Policies EN1 and EN8 of the Core Strategy and Policies DPD 2009, and Section 12 (Achieving Well-Designed Places) of the National Planning Policy Framework 2023.
3. The applicant has failed to demonstrate to the satisfaction of the Local Planning Authority that sufficient bat surveys/assessments have been carried out on the site to ascertain the full impact of bats, which are a protected species. The proposal is therefore contrary to Circular 06/2005, and Policy EN8 of the Core Strategy and Policies DPD 2009.
4. Insufficient information has been submitted on the proposed surface water drainage scheme and consequently, the applicant has failed to demonstrate to the satisfaction of the Local Planning Authority that the proposed development would minimise flood risk to an acceptable level. The proposal is therefore contrary to Policy LO1 of the Core Strategy and Policies DPD 2009, and Section 14 (Meeting the Challenge of Climate Change, Flooding and Coastal Change) of the National Planning Policy Framework 2023.

5. The proposed development does not provide any affordable housing and the applicant has failed to demonstrate to the satisfaction of the Local Planning Authority that it is not viable to provide up to 50% of the proposed extra-care/close-care units as affordable housing on the site. The proposal is therefore contrary to Policies SP2 and HO3 of the Core Strategy and Policies DPD 2009, and Section 5 (Delivering a Sufficient Supply of Homes) of the National Planning Policy Framework 2023.

Delegated Powers

If, in the event an appeal is lodged against the Local Planning Authority's decision to refuse the planning application, and details are submitted by the Appellant to address Reasons for Refusal 3, 4 and 5 above, the Development Control Manager will agree in consultation with the Committee Chair to modify or remove the reasons.