

Planning Committee

08 May 2024



Application No.	24/00119/FUL
Site Address	Desborough Sailing Club, Ferry Lane, Shepperton, TW17 9LQ
Applicant	Chris Morris
Proposal	Erection of new boat shelter with green coated corrugated sheet metal roof and sides on scaffold pole framework with a maximum height of 2.3m standing on a 6m x 12m perimeter porous cinder base, adjacent to existing work shed.
Case Officer	Matthew Clapham
Ward	Shepperton Town
Called-in	This application has been called in by Councillor Boughtflower for the following reasons: <ul style="list-style-type: none"> • Green Belt • Conservation Area • Flooding • Overdevelopment of the site

Application Dates	Valid: 30.01.2024	Expiry: 26.03.2024	Target: Extension of time agreed to 10.05.2024.
Executive Summary	<p>This application seeks to erect a new boat shelter on a base measuring 6m wide and 12m deep with a maximum height of 2.3m comprising a scaffold pole frame with corrugated metal roof and sides standing on an existing porous cinder base. The shelter is to be located alongside two existing garage / storage structures on the site.</p> <p>The site is located within the existing grounds of the Desborough Sailing Club with vehicular access from Ferry Lane.</p> <p>A previous proposal for a larger boat shelter (22/01329/FUL) was refused for two reasons – Green Belt and Ecology / Biodiversity. This revised proposal for a smaller boat shelter and without a concrete base is considered to have overcome those previous reasons.</p> <p>The proposal is for boat storage in an existing sailing facility and as such, it is considered to represent appropriate development within the Green Belt as the development is for the provision of appropriate facilities for outdoor sport and recreation. The reduction in the height of the boat shelter has overcome concerns regarding the impact upon the openness of the Green Belt.</p> <p>The proposed shelter is not considered to give rise to any significant</p>		

	<p>flooding concerns and would not have any adverse impact upon the character and appearance of the adjacent Shepperton Conservation Area, nor the residential amenity of adjoining properties.</p> <p>The scale, location and materials to be used would not result in any significant concerns regarding biodiversity or ecology as the removal of the concrete base and the utilisation of the existing surface without the loss of any grassland has overcome ecological concerns. The proposal will not the adjoining trees subject to a Preservation Order.</p> <p>The proposal is therefore considered to be acceptable.</p>
Recommended Decision	Approve the application subject to conditions, as set out at paragraph 8 of this report.

MAIN REPORT

1. Development Plan

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

- SP1 (Location of Development)
- SP5 (Meeting Community Needs)
- SP6 (Maintaining and Improving the Environment)
- LO1 (Flooding)
- EN1 (Design of New Development)
- SP7 (Climate Change and Transport)
- CC3 (Parking Provision)
- EN8 (Protecting and Improving the Landscape and Biodiversity)
- CO1 (Providing Community Facilities)
- EN6 (Conservation Areas, Historic Landscapes, Parks and Gardens)
- EN7 (Tree Protection)
- EN9 (River Thames and its Tributaries)
- EN10 (Recreational Use of the River Thames)

1.2 Also relevant is the following 'Saved' Local Plan Policy:

- GB1 (Green Belt)

1.3 The National Planning Policy Framework (NPPF) December 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). It was also agreed that the draft Staines Development Framework be published for public consultation. The public consultation for both the Pre-Submission Publication version of the Local Plan and draft Staines Development Framework ran from 15 June 2022 to 19 September 2022 and the local plan was submitted to the Planning Inspectorate under Regulation 19 on 25 November 2022. An Examination into the Local Plan commenced on 23 May 2023. However, on 6 June 2023, the Council resolved the following: *Spelthorne Borough Council formally requests the Planning Inspector to pause the Examination Hearings into the Local Plan for a period of three (3) months to allow time for the new council to understand and review the policies and implications of the Local Plan and after the three month pause the Council will decide what actions may be necessary before the Local Plan examination may proceed.*

1.5 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 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. The revised NPPF was published on 19 December 2023 and the Council considered its position in light of the implications on the Local Plan and whether Members wished to propose modifications as a result. At an Environment & Sustainability Committee meeting on 29 February 2024, Members agreed to the proposed modifications relating to Green Belt allocations, flood risk sites and the Staines Development Framework, which have been conveyed to the Inspector for his consideration on whether the examination will be able to resume.

1.6 The NPPF policy states at para 48:

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).

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

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

- ST1: Presumption in Favour of Sustainable Development
- ST2: Planning for the Borough
- PS2: Designing Places and Spaces
- PS3: Heritage, Conservation and Landscape
- SP2: Ashford, Shepperton and Sunbury Cross
- SP4: Green Belt
- SP6: River Thames and its Tributaries
- E1: Green and Blue Infrastructure
- E2: Biodiversity
- E3: Managing Flood Risk
- EC4: Leisure and Culture

1.8 At this stage, the policies in the Pre-Submission Spelthorne Local Plan carry limited weight in the decision-making process of this current planning application. 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 has the following planning history:

Ref. No.	Proposal	Decision and Date
22/01329/FUL	Erection of new canvas over metal frame Boat Shelter, on a new 6m x 12m perimeter reinforced concrete slab, adjacent to existing work shed.	Refused 31.01.2023
19/01549/FUL	Erection of replacement storage building following removal of existing storage shed.	Grant Conditional 04.03.2020
13/00092/FUL	Internal and external alterations and extensions to include replacement of existing stairway to improve accessibility, provision of platform lift to allow wheelchair access to first floor clubhouse, additional storage and lobby access and creation of a disabled toilet	Grant Conditional 15.04.2013

08/00844/FUL	Erection of a boat equipment store, & relocation of existing shed.	Grant Conditional 22.01.2009
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3. Description of Current Proposal

The application site and surrounding area

- 3.1 The application site forms part of a sailing club adjoining the River Thames in Shepperton. The site is located to the north of the Ferris Meadow site with access gained via Ferry Lane. The site is largely open and grassed with a number of trees on the site, the majority of which are subject to a Tree Preservation Order. There are some existing storage buildings / structures on the site together with the large clubhouse building for the Desborough Sailing Club.
- 3.2 There is a parking area close to the site of the storage structures. A number of sailing boats are stored out of water around the Clubhouse and its surroundings.
- 3.3 The site is located within the functional flood plain (Zone 3b Flood Risk Area), the Green Belt and a site of Nature Conservation Importance. The site also adjoins the Shepperton Conservation Area and a Listed Building.

Proposal

- 3.4 This planning application seeks permission for the erection of a new boat shelter with green coated corrugated sheet metal roof and sides on scaffold pole framework with a maximum height of 2.3m standing on a 6m x 12m perimeter porous cinder base, adjacent to existing work shed.
- 3.5 The storage shelter would be used to store wooden 'Skiff' boats used by the Sunbury Skiff and Punting Club, the only such club within Spelthorne Borough. The wooden skiffs are currently stored covered individually on the ground and are subject to inclement weather all year around. The proposed boat shelter would provide a weatherproof cover for the wooden boats when not in use.
- 3.6 The shelter would comprise a scaffold pole frame with corrugated metal roof and sides standing on an existing porous cinder base. The metal would be coloured green. The base is 6m by 12m while the structure itself would be 5.6m wide, 11m deep with a maximum height of 2.3m. The plans show that 8 skiffs could be stored within the storage structure.
- 3.7 A previous application (22/01329/FUL) for the erection of a new canvas over metal frame boat shelter, on a new 6m x 12m perimeter reinforced concrete slab, adjacent to existing work shed was refused for the following reasons:
- A) The proposed structure, due to its size and design is considered to result in a detrimental and harmful impact upon the openness of the Green Belt, contrary to guidance contained within the National Planning Policy Framework (2021) and 'Saved' Policy GB1 of the Spelthorne Borough Local Plan 2001.

B) Insufficient evidence has been submitted to make an assessment of the potential impacts of the development upon the Ferris Meadow SNCI and wider ecological matters and as such is contrary to guidance contained in Chapter 15 of the National Planning Policy Framework (2021) and Policy EN8 of the Spelthorne Borough Core Strategy and Policies Development Plan Document (2009).

3.8 The proposal under consideration has been reduced in height from 3.7m to 2.3m which is commensurate with the height of the adjoining garages / storage buildings already existing on the site. The proposal is also to erect the shelter on an existing area of made ground comprising a porous cinder base rather than laying down a concrete base.

3.9 The full set of proposed plans are provided as an Appendix.

4. Consultations

The following table shows those bodies consulted and their response.

Consultee	Comment
Environment Agency	No response to date - holding reply sent.
SBC – Biodiversity Officer	No objections.
Environment Health - Contamination	Recommend informatives.
Council’s Tree Officer	No objections.
Surrey Wildlife Trust	No response to date.
Elmbridge Borough Council	No response to date.
Surrey CC Policy / Waste / Minerals	No objections.

5. Public Consultation

5.1 A total of 9 properties were notified of the planning application.

5.2 The Council has received 13 letters of objection to the application from 12 separate addresses including one from the Shepperton Residents Association.

5.3 Reasons for objecting include:

- Green Belt
- Conservation Area
- Already a number of buildings on the site
- Unattractive / impacts on character of area
- Flooding / Concrete base

- Biodiversity / Ecology / Environmentally unfriendly
- Part of River Thames Scheme
- The Landowner has served Notice on the sailing club to vacate the site.
- Future use of structure
- Loss of local community asset

6. Planning Issues

- Green Belt.
- Character and Appearance and Impact upon the Shepperton Conservation Area.
- Residential Amenity.
- Flooding.
- Biodiversity and Ecology.

7. Planning Considerations

Green Belt

- 7.1 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*".
- 7.2 At paragraph 143, the NPPF sets of 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.
- 7.3 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 allow for development in the Green Belt where the use comprises those appropriate to the Green Belt and comprises, amongst others, 'essential facilities for outdoor sport and recreation...which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it.'
- 7.4 The NPPF which postdates the saved local plan, states that inappropriate development is by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances'. However, this proposal would constitute one of the 'exceptions' to inappropriate development listed in

paragraphs 154 and 155 of the NPPF, which includes ‘the provision of appropriate facilities (in connection with the existing use of land) for outdoor sport, outdoor recreation as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.’

- 7.5 The proposed shelter has been reduced in height compared to the refused scheme under 22/01329/FUL from 3.7m to only 2.3m in height. Furthermore, the originally proposed concrete base has already been replaced by a porous cinder base which is existing on the site. This reduction in height has significantly reduced size of the structure and any harm that impact upon the openness of the Green Belt. The proposal, for a small boat shelter on a site that has an existing outdoor recreational use would also not conflict with any of the purposes of the Green Belt.
- 7.6 Therefore, as the proposal is appropriate development within the Green Belt. and would not result in any harm to the Green Belt, the proposal is considered to comply with ‘Saved’ Policy GB1 of the Spelthorne Borough Local Plan (2001) and the NPPF (2023), and is considered acceptable.

Design & Appearance

- 7.7 The proposed structure comprises a scaffold pole frame with corrugated sheet metal roof and sides to enclose the structure and provide a weatherproof shelter for the wooden skiff and punting boats that are currently stored on the ground around the site and while covered with canvas covers are nevertheless open to the elements. While functional in design terms, it is to be located adjoining two existing functional garage/storage sheds. The site itself has various other structures on the site and the proposal would to an extent tidy up the site by providing a designated storage area rather than the boats being scattered around the site.
- 7.8 The proposed shelter is located some distance away from the adjoining residential properties on the other side of the Tributary in Church Square, Shepperton. The site adjoins, but is not located within the Shepperton Conservation Area and the nearest listed building is located over 60m away to the northeast of the proposed shelter, being the Warren Lodge Hotel. Therefore, the proposal is considered to ensure the preservation and enhancement of the conservation area and would not result in any adverse impacts upon the general character and appearance of the local area and complies with the requirements of Policies EN1 (a), EN5 and EN6 of the CS&P DPD.

Residential Amenity

- 7.9 Policy EN1b of the CS & P DPD states that:

“New development should achieve a satisfactory relationship to adjoining properties avoiding significant harmful impact in terms of loss of privacy, daylight or sunlight, or overbearing effect due to bulk and proximity or outlook.”

- 7.10 The proposed shelter is located over 40m away from the adjoining residential properties on the other side of the Tributary, minimising any overbearing effect

or impacts upon light. The site is used for outdoor leisure and recreation with regular sailing sessions on the river. Some boat maintenance is already likely to take place on the site, whether internally or externally. The existing site of the sailing club is largely open and users may walk around the site and sail on the river freely as may an individual utilising the River Thames for recreational purposes. The Skiff and Punting Club share the facilities with the Desborough Sailing Club, although the size of the club is relatively small and the use and storage facility is not considered to give rise to any excessive intensification of the use of the site or the River. Therefore, no significant loss of privacy, overbearing or noise and disturbance is considered to arise, conforming to Policies EN1 and EN11 of the CS&P DPD.

Flooding

- 7.11 Policy LO1 of the CS&P DPD seeks to reduce flood risk and its adverse effects on people and property in Spelthorne.
- 7.12 At the time of writing this report the Environment Agency has not made a response to the consultation, confirming that 'Unfortunately, due to resourcing issues, we are currently behind with reviewing consultations'. However, in considering the previous application (22/01329/FUL) which was larger in size and had a concrete base, the Environment Agency did not object to the proposal, referring the matter back to the Local Planning Authority for consideration.
- 7.13 The site is located within the 5% probability functional flood plain area. However, the structure is classified as a minor commercial structure, below 250sqm and as such of relatively low risk. No objections were raised with the previous proposal and in this case, the concrete base has been removed to be replaced by the existing porous base which represents an improvement. The principal flood risk is considered to be impacts upon the flow of flood waters and as a structure storing boats, it is a floodable structure where floodwater may flow through it without significant disturbance. It is connected with the sailing club which is a water compatible use. There are other structures on the site all of which are also floodable structures or raised above flood levels. Therefore, it is not considered that there are harmful impacts in terms of flooding.

Ecology and Biodiversity

- 7.14 The site is located within a site of Nature Conservation Importance (SNCI) and in particular, the Ferris Meadows Site of Nature Conservation Importance. Policy EN8 of the Spelthorne Borough Core Strategy and Policies Development Plan Document (2009) states 'The Council will seek to protect and improve the landscape and biodiversity of the Borough by: d) refusing permission where development would have a significant harmful impact on the landscape or features of nature conservation value'.
- 7.15 The Surrey Wildlife Trust (SWT) was consulted on this application and at the time of writing this report, no response has been received. However, it is noted that ecology matters were one of the reasons for refusal for the previous scheme (22/01329/FUL). In the response from Surrey Wildlife Trust in relation to that proposal the SWT noted that the proposed location is on

grassland habitat and that the use of a concrete base for the proposal would result in a permanent impact to an area of grassland. The SWT also recommended a condition requiring a Construction Environmental Management Plan due to the construction works required with the use of a concrete base.

- 7.16 The proposal has been amended to not include a concrete base and the proposed storage structure will not involve any significant groundworks with the structure being sited on an existing porous base. The location of the structure is clearly shown to be on this porous base adjoining existing garage structures. Therefore, it is not considered that there would be any loss of grassland habitat as suggested in the previous response and this revised proposal overcome a number of the concerns raised by the SWT. Moreover, it should be noted that the Council's Biodiversity Officer has raised no objection to the proposal.
- 7.17 In addition, the construction methods for this proposal are simple, fixing scaffold poles to the ground on an existing porous base and adding corrugated metal sheeting to the roof and sides. This would limit any potential concerns regarding construction and any potential contamination issues as the structure is effectively enclosed scaffold structure with limited ground disturbance.
- 7.18 Therefore, in view of this construction method and the utilisation of an existing established base for the structure, this is considered to have overcome the concerns of the Surrey Wildlife Trust and the proposal is considered acceptable with regard to ecology and biodiversity matters.

Other Matters

- 7.19 The Council's Tree Officer has not raised any concerns or objections to the proposal regarding any impacts upon the adjoining trees. There would be no highway or parking concerns. The site of the proposed shelter is on the periphery of the area designated for the River Thames Scheme. The future use of the structure would be limited to ancillary storage in relation to the lawful use of the site. Any significant change of use would require planning permission. Whether the landowner has served notice or otherwise is not a material planning consideration. Under the planning legislation, ownership Certificate B has been submitted and the required notice has been served on the landowner and no representations have been received from the said landowner.

Equalities Act 2010

- 7.20 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:

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

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

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.

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.

In taking account of the Council policy as set out in the Spelthorne Local Plan and the NPPF and all material planning considerations, Officers have concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by the approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

Financial Considerations

- 7.22 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.

In consideration of S155 of the Housing and Planning Act 2016, the proposal is not a CIL chargeable development and will therefore not generate a CIL Payment.

The proposal will not generate Business Rate payments which are not material considerations in the determination of this proposal.

Conclusion

- 7.23 The proposed boat shelter is considered to have overcome the previous reasons for refusal and as appropriate development, is considered acceptable in regard to the Green Belt and would not impact upon the openness of the Green Belt. The shelter is not considered to give rise to any significant flooding concerns and would not have any adverse impact upon the character and appearance of the adjacent Shepperton Conservation Area, nor the residential amenity of adjoining properties. The scale, location and materials

to be used would not result in any significant concerns regarding biodiversity or ecology nor harm the adjoining trees subject to a Tree Preservation Order. Accordingly, the application is recommended for approval.

8. Recommendation

8.1 GRANT planning permission subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; Block Plan and Project Name: DSC – revised skiff shelter 10-1-24 ground plan; front and rear elevations and side elevations Received on 30.01.2024

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

3. The boat shelter hereby permitted shall be coloured green and the foundation base shall only comprise porous cinder base as existing and no concrete shall be laid as part of the proposed structure.

Reason:-.To ensure a satisfactory external appearance in accordance with policies SP6 and EN1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

4. There shall be no raising of existing ground levels on the site within the area liable to flood, other than in accordance with the approved details.

Reason: To prevent the increased risk of flooding due to impedance of flood flows and reduction in flood storage capacity in accordance with policies SP1, SP7 and LO1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009..

5. All spoil and building materials stored on site before and during construction shall be removed from the area of land liable to flood upon completion.

Reason: To prevent the increased risk of flooding due to impedance of flood flows and reduction of flood storage capacity in accordance with policies SP1, SP7 and LO1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

Informatives

1. This development is situated within 250 metres of a current or historic landfill site or gravel pit. A gas impermeable membrane should be incorporated within the structure along with a ventilated sub floor area. Any services entering/leaving the structure should be located above the gas impermeable

membrane or alternatively, adequate seals will need to be provided if the membrane is to be breached. The details of the gas impermeable membrane and with particular attention to the joins with any existing structure and seals around any services, plus details of the sub-floor ventilation should be submitted to the Local Planning Authority for approval prior to the works being carried out.

The applicant is advised to contact Spelthorne's Pollution Control team on 01784 446251 for further advice and information before any work commences..

2. The applicant is advised that the site to which this planning permission relates is located on or near land that may contain harmful substances. Under Part C of the Building Regulations you will be required to consider this when designing the foundations of the development.

The applicant is advised to contact Spelthorne's Pollution Control team on 01784 446251 for further advice and information before any work commences.