

Planning Committee

21 September 2016



Application Nos.	16/01349/FUL				
Site Address	Land to the west of 26 and 28 Peregrine Road and 181 Nursery Road (formerly 187 Nursery Road), Sunbury				
Proposal	Erection of a detached two-storey building for the purposes of special needs housing (Use Class C2) together with associated entrance gates, access, parking and landscaping.				
	As shown on plan nos.' L2321/03; / 04 Rev. B; 07 Rev. H; /13 Rev. A; /27 Rev. B; /28 Rev. A; /29 Rev. A; /30 and L1774/LP Rev. A received 26 July 2016.				
Applicant	Mr C. Hamilton (London Care Partnership)				
Ward	Halliford and Sunbury West				
Call in details	This application has been called-in by Councillor Smith-Ainsley on the grounds of "interest from both residents and neighbours about the proposed use of this Green Belt site."				
Case Officer	Paul Tomson				
Application Dates	Valid: 26.07.2016	Expiry: 20.09.2016	Target: Extension of time agreed		
Executive Summary	This application seeks the erection of a detached building for the purposes of special needs accommodation (Use Class C2). The building will comprise 5 bedrooms, a lounge, dining room, kitchen, office and other associated facilities. It will cater for up to 5 people. The site is located within the Green Belt. The proposed development constitutes 'inappropriate development' in the Green Belt and will cause an unacceptable loss of openness. Whilst there is a planning permission on the site for a new dwellinghouse, the proposed building and its associated plot will be substantially greater in scale and it is not considered there are 'very special circumstances' that would outweigh the substantial harm to the Green Belt.				
Recommended Decision	This application is recommended for refusal				

MAIN REPORT

1. <u>Development Plan</u>

- 1.1 The following policies in the Council's Core Strategy and Policies DPD 2009 are considered relevant to this proposal:
 - > EN1 (Design of New Development)
 - > CC3 (Parking Provision)
- 1.2 The following saved policy of the Spelthorne Borough Local Plan 2001 is considered relevant to this proposal:
 - ➤ GB1 (Green Belt)

2. Relevant Planning History

SP/90/543	Detached two-storey dwelling and double garage (Outline)	Approved 12/12/1990
93/0519/DET	Approval of details pursuant to outline planning permission SP/90/543 dated 12th December 1990 for the erection of a detached dwelling and double garage	Approved 10/11/1993
93/00330/OUT	Two detached dwellings each with single garages and car ports and a parking space	Refused 21/07/1993
95/00296/FUL	Erection of detached two-storey dwelling and double garage with a gross floorspace of 215m2.	Approved 16/08/1995
99/00815/FUL	Renewal of planning permission PA/95/0815 for the erection of a detached two-storey dwelling and double garage with a gross floorspace of 215 square metres.	Approved 08/02/2000
04/01131/FUL	Renewal of planning permission PA/95/0815 (originally approved under PA/95/0296) for the erection of a detached two-storey dwelling and double garage with a gross floorspace of 215 square metres.	Approved 24/01/2005
09/00754/REN	Renewal of planning permission (ref. no. 04/01131/FUL) which was original approved under PA/95/0296 for the erection of a detached two-storey dwelling and double garage with a gross floorspace of 215 square metres.	Approved 22/12/2009

12/01176/REN Renewal of planning permission (09/00754/REN) Approved

which was originally approved under PA/95/0296 for the erection of a detached two-storey dwelling and double garage with a gross floorspace of 215 square metres.

19/10/2012

16/00054/FUL Erection of a detached two-storey building for the purposes of special needs accommodation (Use Class C2) together with associated

Withdrawn 11/04/2016

entrance gates, access, parking and landscaping.

16/00560/FUL Erection of a detached two-storey building for

Refused 07/06/2016

the purposes of special needs accommodation (Use Class C2) together with associated entrance gates, access, parking and landscaping.

2.1 It can be seen from the above planning history that planning permission was originally granted in 1990 for the erection of a detached house and garage. This had a gross floorspace of 215 sqm. That consent was not implemented and the applicant has reapplied to renew the permission several times. The last planning permission to be renewed and granted was 12/01176/REN granted on the 19th October 2012. This permission was valid for a period of 3 years expiring on the 19/10/2015. In order to keep this permission alive the applicant has installed the foundations (i.e. commenced the development) and discharged a number of conditions attached to that consent. Whilst no further building works to the house has been carried out, the Council is satisified that the 2012 planning permission has not expired and that the development has commenced. It is relevant to note that some construction works have been implemented regarding the laying of an access road from Nursery Road, laying of parking areas and other works. The implemented access road and parking areas do not comply with the approved plans of planning permission 12/01197/REN. Rather the works appear to accord with the proposed access road/parking areas associated with the current planning application, which is greater in width and length. These works have therefore been carried out without planning permission.

2.2 The last planning application in the list above (16/00560/FUL) was refused on the grounds that the development constituted inappropriate development in the Green Belt for which no very special circumstances had been demonstrated, including no evidence why the facility cannot be provided in the urban area.

3. Description of Current Proposal

3.1 The application relates to an area of open land located to the west of 26 & 28 Peregrine Road and 181 Nursery Road in Sunbury. I understand that the site originally formed part of a larger nursery site that included the land further to the west. There are some remnants of old greenhouses to the west of No. 201 Nursery Road, and many years ago there existed a house known as 187

Nursery Road. However, that particular house has not existed for a considerable period of time. Much of the site is covered with trees and other vegetation. Whilst there has been some site clearance and work on laying an access road, when viewed from the surrounding area, the site appears free of development and is characterised by trees and other vegetation. The application site is accessed from Nursery Road and comprises 0.33 hectares. The site is located within the Green Belt.

3.2 The proposal involves the erection of a detached two-storey building for the purposes of special needs housing (Use Class C2) together with associated entrance gates, access, parking and landscaping. The proposed building will measure 15.5m in width, 9.327m in depth and up to 7.8m in height. The external walls will be faced in yellow London stock brickwork, whilst the roof will be laid with slates. The care home will accommodate up to 5 persons. A staff bedroom and office is provided within the building. 4 no. off-street parking spaces will be provided. The applicant states that:

"London Care Partnership is unique in the provision of specialist residential support; being the only provider solely catering for young individuals with autism, learning disabilities and complex needs locally and throughout West London."

"The residential option that London Care Partnership propose is not a onesize fits all and is only an appropriate choice for some individuals. These individuals are likely to be the most disadvantaged and inappropriately supported at the time of referral. Virtually all placements are young adults transitions coming from education establishments where there are few specialist move-on options. London Care Partnership have a 100% success rate in supporting all individuals with no placement breakdowns to-date.

Surrey would be offered first option on any placement at the Nursery Road site as demand for provision far exceeds any supply locally. This is a major benefit to the young local eligible individuals and their families."

- 3.3 Members may be aware that London Care Partnership operate a similar facility at the care home in School Walk in Sunbury (adjacent to the Scouts and Guides building), which was approved under 12/01277/FUL on 19 February 2013.
- 3.4 The proposal differs from the previous refused scheme (16/00560/FUL) in that the building has been reduced in size. In particular, the building has been reduced in length from 18.7m to 15.5m, and from 11.9m to 9.327m in depth. The number of bedrooms has been reduced from 8 to 5. The building continues to be 2-storey in scale. Furthermore, the extent of the plot size is unchanged.
- 3.5 Copies of the proposed site layout, floor plans and elevations are provided as an Appendix.

4. Consultations

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

Consultee	Comment		
County Highway Authority	No objection subject to a condition.		
Environmental Health (Pollution)	No objection subject to a condition relating to contaminated land.		
Surrey Wildlife Trust	Any comments wil be reported orally at the meeting. Did not object to the previous application.		
Tree Officer	Any comments will be reported orally at the meeting. Did not object to the previous application.		
Thames Water	No objection		

5. Public Consultation

39 neighbouring properties were notified of the planning application.1 letter of objection has been received raising the following issues:

- Application fails to take into account previous planning decisions. The proposal exceeds the restrictions imposed by the previous planning permissions.
- The fact that this is 'worthy cause' is no reason to alter the Planning Department's previous outcomes for this important piece of Green Belt land.
- The contractor has commenced work at his own risk.
- The proposal is significantly larger and more intrusive than the application made in February 2016 [Officer Note: the proposal is actually smaller compared to the scheme submitted under planning application 16/00054/FUL].
- The land was fully wooded until February this year and was a valuable habitat for wildlife.
- The site has already spread beyond the extent of the site building plot show on the drawings.

6 Planning Issues

- Green Belt
- Impact on neighbouring properties

7 Planning Considerations

Green Belt

7.1 Section 9 of the NPPF sets out the Government's policy with regard to protecting Green Belt Land. It states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The policy is similarly reflected in the Council's Saved Local Plan Policy GB1.

- 7.2 The proposal involves the erection of a new two-storey building to provide special needs accommodation. The NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Although the NPPF does list a limited number of exceptions at paragraphs 89 and 90, the proposed new building on the application site does not fit into any of these categories. Accordingly, the proposal constitutes "inappropriate development" in the Green Belt. The NPPF 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. '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.
- 7.3 The proposed development is considered to cause a substantial loss of openness to the Green Belt. The new building is substantial in scale measuring some 15.5m in length and 9.327m in depth, and is two-storey in scale. The proposed building will effectively result in the built-up area of Sunbury being substantially extended into the Green Belt, and will reduce the already narrow strip of open land between Sunbury and Upper Halliford. Up until recently the site was free of any development and was covered with trees and other vegetation. It is also considered that the access road, parking spaces (and associated parked vehicles), fencing, paving areas and other associated development will diminish the openness of the Green Belt. The creation of a substantial new plot to be used for Use Class C2 purposes on land which was open and free of development would conflict with the purposes of including land in the Green Belt. It is important to note that the proposed plot is approximately double the size of the approved plot associated with planning permission 12/01176/REN. Three of the five purposes of the Green Belt are particularly pertinent to this case: "to check the unrestricted sprawl of large built-up areas"; "to prevent neighbouring towns merging into one another, and "to assist in safeguarding the countryside from encroachment". The proposal would effectively reduce the existing Green Belt gap between the built-up areas of Sunbury and Upper Halliford, which at this point is currently only 180 metres, and because of its limited extent is of particular importance.
- 7.4 The proposal is also considered to cause harm to the visual amenities of the Green Belt. The site and surrounding open land is visible from the elevated section of Nursery Road and Upper Halliford Road. Although there is hedging alongside the pavements, there are public views down towards the site and the houses in Peregrine Road. The proposed building will be visible above the existing trees and detract from the current outlook creating a more built-up appearance to the area. The upper part of the building will also be visible from the public amenity area situated between 10 26 Peregrine Road and 28 44 Peregrine Road.
- 7.5 The applicant has set out some considerations in support of the application and they consider these justify the development in the Green Belt. These considerations are summarised below. I have then responded to each point: -

 The proposed development should be assessed in the context of the extant planning permission, which has been lawfully implemented. With that in mind, the proposed development could be legitimately treated as a proposal for a replacement building or buildings with a residential use. It should therefore be deemed acceptable in accordance with Green Belt policy.

Response

Only the footings of the approved dwelling house granted in 2012 have been laid. Moreover, the planning permission is for a dwellinghouse (Use Class C3), whilst the proposed building is for a care home (Use Class C2) and which is clearly bigger. The proposal is not therefore replacing an existing building, is not within the same use, and does not accord with Green Belt policy.

2. The proposed dwelling house for use as special needs housing will have a marginally greater footprint, floor area and volume to the previously approved and currently implemented planning permission. Therefore the proposal should be deemed equally acceptable in Green Belt policy terms and the need to demonstrate very special circumstance should not be necessary.

Response

The proposed building is clearly greater in footprint, floorspace and volume compared to the approved dwellinghouse, as shown in the table below. Moreover, the proposed plot with its associated boundary fencing is substantially greater. The roadway/parking areas are greater in width and length. The impact on the openness of the Green Belt will therefore be significantly greater.

	Footprint	Floorspace	Volume	Plot Size
Approved House	92 sqm	179 sqm	546 m3	0.16 ha.
(12/01176/REN)				
Approved House	128 sqm	215 sqm	661 m3	0.16 ha.
and Garage				
(12/01176/REN)				
Refused Building	198 sqm	375 sqm	1240 m3	0.33 ha.
(16/00560/FUL)	-	-		
Proposed	137.1 sqm	266.7 sqm	831 m3	0.33 ha.
Building				

 There would be no material difference between the implemented planning permission and the proposed development. The consequential impacts established by the implemented planning permission would be similar in respect of the proposed development.

Response

As demonstrated by the figures above, there will be a clear material increase in the scale of the new building compared to the approved house. The proposed footprint will be 49% greater than the approved house (or

7.1% if the approved garage is included in the calculation). The proposed floorspace is 49% greater (24% greater if the approved garage is included in the calculation). The proposed volume is 52% greater compared to the approved house (25.7% greater if the approved garage is included in the calculation). Furthermore, the average width of the proposed plot will be 46m, whilst the average width of the approved dwelling plot is 23m. Consequently, the proposed plot is approximately double the size.

(Officer note: in my opinion, limited weight should be given to the footprint, floorspace and and volume of the approved detached garage, which is an ancillary building with no habitable floorspace.)

4. Given that the proposed development would result in various increases in built form that are below the 25% threshold, these should not be deemed material and should therefore be considered as acceptable in terms of the application of Green Belt policy. Such thresholds are commonly accepted across many Councils.

Response

There is no such "25% threshold" policy adopted by Spelthorne Council. The applicant appears to be referring to a 'rule of thumb' percentage limit applied by some Councils in relation to planning applications for extensions to existing dwellings in the Green Belt. Indeed, Section 9 of the NPPF states that the extension or alteration of an existing building is not inappropriate development in the Green Belt (i.e. acceptable) provided it does not result in disproportionate additions over and above the size of the original building. A similar approach is applied in Policy EN2 of the Council's Core Strategy and Policies DPD, although there is no "threshold" figure. However, this allowance is not applicable in this particular case as there is no existing (or original) building present on the site, nor does the proposal involve an extension to an existing building.

5. Policy HO4 of the Core Strategy and Policies DPD states that there is a need for up to 400 units of extra care housing in Spelthorne by 2026.

Response

The extra care housing referred to in Policy HO4 of the Core Strategy and Policies DPD relates to the needs of older people. Indeed, the Policy states that The Council will ensure that the size and type of housing reflects the needs of the community by:

"b) 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."

The Core Strategy makes clear that all housing identified in the plan (of which the 400 is part) can be met within the urban area. Whilst the importance of special care facilities is recognised, no explanation has been given why a facility cannot be provided in the urban area as is the case of the proposal at School Walk. No evidence has been submitted to show a suitable site could not be found in the urban area.

6. The proposed development would fulfil an important sustainable objective in that it would deliver a dwelling unit for special needs housing accommodation through the re-use of a previously developed site.

Response

The site is not considered to constitute "previously developed land" as defined in Annex 2 of the National Planning Policy Framework. The site has been free of development for many years. No justification has been given why the proposed use needs to be in the Green Belt.

7. The proposal would deliver significant economic, social and community, and sustainability benefits.

Response

Whilst it is noted that the proposed development will provide some economic, social and community and sustainability benefits, these would equally apply to a site in the urban area. These points have no added justification for the development in terms of justifying the unacceptable harm to the Green Belt, or why such provision cannot be made in the urban area.

8. If planning permission is not granted, the site would continue to operate as it has done with various dilapidated buildings and overgrown trees and hedges.

Response

A site visit carried out by the planning officer on the 09/09/2016 did not reveal the existence of any old buildings.

7.6 To conclude, the development constitutes inappropriate development in the Green Belt and this, in itself, weighs heavily against the merits of the scheme. In addition, the proposal results in a reduction in the openness of the Green Belt, and will harm the visual amenities of the Green Belt. The development will conflict with three of the five core purposes of the Green Belt in paragraph 80 of the NPPF, namely to check the unrestricted sprawl of large built areas, to prevent neighbouring towns merging into one another, and to assist in safeguarding the countryside from encroachment. The NPPF para 88 requires 'substantial weight' to be given to this harm. No 'very special circumstances' have been put forward by the applicant to weigh against the 'significant harm'. Indeed, there is no evidence why the proposal should be built in the Green Belt. The proposal is therefore contrary to the Section 9 of the NPPF and saved Local Plan Policy GB1

Other Matters

7.7 There will be a separation distance of 15m from the proposed building and the neighbouring dwelling of 26 Peregrine Road. The separation distance between the new building an 28 Peregrine Road will be 21m. There is a 3m high brick wall running along the boundary and I consider the relationship with these properties to be acceptable. With regard to 181 Nursery Road, there will be a 2m – 3m wide landscape buffer between the new access road and the

boundary, which in amenity terms is considered acceptable. I also consider the physical relationship with 201 Nursery Road to be acceptable.

- 7.8 The proposed building will be set back from the cul-de-sac element of Nursery Road. The care home will be faced with yellow London-stock brickwork and a slate roof. Taken in isolation the building is acceptable in terms of design and appearance, however in principle it is inappropriate development and visually filling part of the narrow Green Belt gap between Sunbury and Upper Halliford. I also consider the proposed entrance gates and pillars to be acceptable only in visual terms.
- 7.9 4 no. off-street parking spaces will be provided on the site, 2 of which are disabled parking spaces. The Council's minimum parking standards stipulate 5 no. parking spaces for the "first 10 residents". As only 5 residents are proposed, the proposed parking provision is considered acceptable. Given the size of the access road and turning area, there would be scope to accommodate further parked vehicles on the site if required.
- 7.10 The applicant has submitted an ecological survey which confirms that there are no bats roosting within the site. No other protected species would be affected by the development and the site is considered to be of low ecological value. The Surrey Wildlife Trust were consulted on the previous planning application (16/00560/FUL) and raised no objection subject to conditions relating to wildlife enhancement measures and the need for a precautionary working method statement (as recommended in the report). The Surrey Wildlife Trust has been consulted on the current planning application and it is anticipated that a similar response will be received. I will update Members orally at the meeting.
- 7.11 There are a number of existing trees on the site and the Council's Tree Officer has consulted on the application. In the previous application (16/00560/FUL), the applicant submitted a revised site layout plan showing tree protection fencing details. The Tree Officer raised no objection to the plan but requested that the original site layout plan to be superseded. Whilst the same revised site layout plan has been submitted, it still shows the footprint of the previous proposed (refused) building which had a larger footprint. I have therefore requested a further revised site layout plan from the applicant and will update Members at the meeting. I will also update Members of the Tree Officer's response on this current planning application.
- 7.12 Given the lack of any evidence to justify what is inappropriate development in the Green Belt, the application is recommended for refusal.

8. Recommendation

- 8.1 REFUSE for the following reason: -
 - 1. The proposal represents inappropriate development in the Green Belt for which no very special circumstances have been demonstrated including no evidence why the facility cannot be provided in the urban area. It will result in the site having a more urban character, will diminish the openness and harm the visual amenities of the Green Belt, and conflict

with three of the five purposes of Green Belts. It is therefore contrary to Policy GB1 of the Spelthorne Borough Local Plan 2001 and Section 9 (Protecting Green Belt Land) of the Government's National Planning Policy Framework 2012.

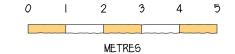
Decision Making: Working in a Positive and Proactive Manner

In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of paragraphs 186-187 of the NPPF. This included the following:-

a) Have proactively communicated with the applicant through the process to advise progress, timescales or recommendation.



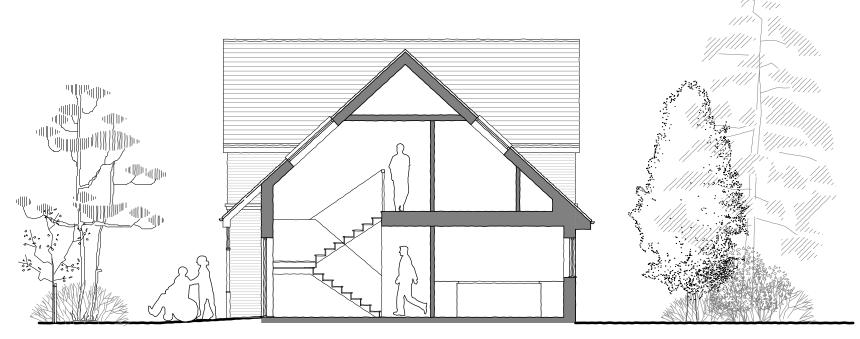
PROPOSED ELEVATIONS





REAR ELEVATION

SIDE ELEVATION





PROPOSED SECTION A-A

SIDE ELEVATION

EXTERNAL MATERIALS:

ROOF - PITCHED 42.5° FINISH SLATE

PRE-FINISHED FASCIAS, SOFFITS \$ BARGE BOARDS, COLOUR 'WHITE'

DOWNPIPES & GUTTERS - BLACK PLASTIC

WALLS - FLEMISH BOND YELLOW LONDON STOCK FACING BRICKWORK;

PLINTH AND SOLDIERS - DARK YELLOW LONDON STOCK BRICK

WINDOWS - TIMBER PAINTED WHITE, BATHROOMS & WCS TO BE OBSCURED GLAZING AS INDICATED

WINDOW CILL - PLAIN TILES

OBSCURED GLAZING SHADED THUS



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RIBA Chartered Practice

The Courtyard 59 Church Street Staines upon Thames Middx TW18 4XS Tel: 01784 459211 E-mail: info@rdjwltd.com 14/07/16

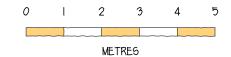
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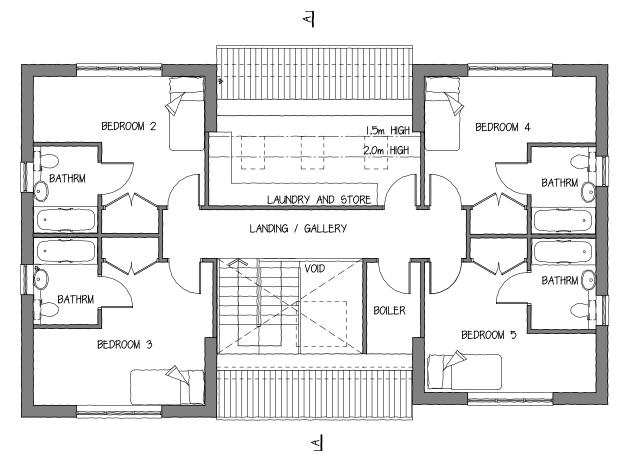
PROPOSED DEVELOPMENT, 187 NURSERY ROAD SUNBURY ON THAMES PROP ELEVS \$ SECTION A-A

\forall LOUNGE KITCHEN DINING NOTICE BOARD / PHOTOS FIXED TO THE WALL ENTRANCE HALL DIS. WC VOID / ABOVE BATHRM OFFICE BEDROOM I ¥

PROPOSED GROUND FLOOR PLAN

PROPOSED FLOOR PLANS





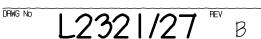
PROPOSED FIRST FLOOR PLAN



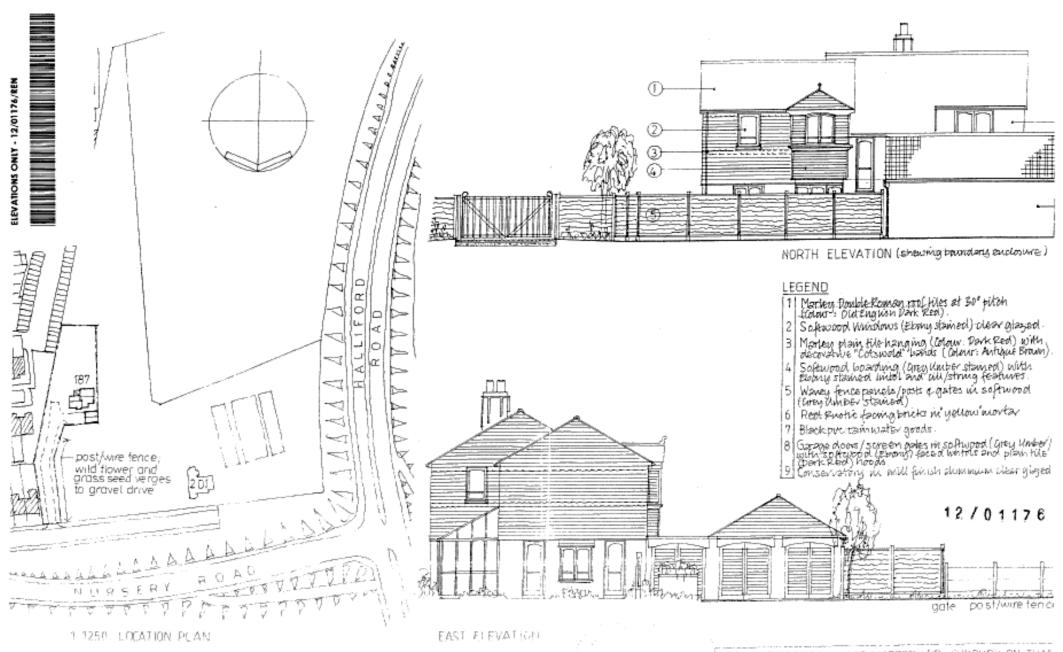
The Courtyard 59 Church Street Staines upon Thames Middx TW18 4XS Tel: 01784 459211 E-mail: info@rdjwltd.com

DRAWN / CHKD ZH

14/07/16 PROPOSED DEVELOPMENT, ROBERT DAVIES JOHN WEST LIMITED SCALE 187 NURSERY KUAU SUNBURY ON THAMES PROPOSED FLOOR PLANS



APPROVED PLANS (12/01176/REN)



ALA WARRESTEAM CAPITALE END S