

Planning Committee

24th July 2024



Application No.	24/00681/HOU
Site Address	The Lodge, Ashford Cemetery, Long Lane, Stanwell, Staines-upon-Thames, TW19 7AD
Applicant	Spelthorne Borough Council
Proposal	Installation of a vehicular crossover
Officer	Drishti Patel
Ward	Ashford North and Stanwell South
Call in details	This application is required to be reported to the Planning Committee for a decision as the applicant is Spelthorne Borough Council.

Application Dates	Valid: 06.06.2024	Expiry: 01.08.2024	Target: Extension of time agreed until 23/08/2024
Executive Summary	<p>The proposed site covers an area of approximately 0.005 hectares ('ha'). The Site is a residential property situated adjoining the grounds of Ashford Burial Ground. There are no other residential properties to the north and south of the property and the nearest residential properties are to the west of the adjacent highway, Long Lane.</p> <p>The proposal is to create a vehicular access (9.0 metre width) serving two car parking spaces in the front driveway of the residential property, The Lodge.</p> <p>The proposal is considered small in scale with other examples of dropped kerbs in the vicinity and so it is concluded that impact on the character of the area is considered acceptable. It is also considered that the proposal would not impact upon the residential amenity of adjoining properties. With regards to highway safety and traffic generation, Surrey County Highways requested a speed survey for this section of Long Lane. Following discussions, the applicant submitted amended plans with the visibility splays increased and the County Highways have no objections subject to two conditions and two informatives.</p>		
Recommended Decision	The application is recommended for approval.		

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:
- Policy EN1 (Design of New Development)
 - Policy CC3 (Parking Provision)
 - Policy SP7 (Climate Change and Transport)
 - Policy EN2 (Replacement and Extension of Dwellings in the Green Belt)
- 1.2 Also relevant is the following 'Saved' Local Plan Policy:
- Policy GB1 (Green Belt)
- 1.3 The following policy of the draft Spelthorne Local Plan 2022-2037 is of relevance:
- Policy PS2 (Place shaping)
 - Policy ID2 (Sustainable Transport for New Developments)
 - Policy PS1 (Responding to the Climate Change Emergency)
 - Policy E1 (Green and Blue Infrastructure)
- 1.4 The National Planning Policy Framework (NPPF) 2023 is also relevant. The revised draft NPPF was issued in July 2024 and carries limited weight for decision making purposes.
- 1.5 On 19 May 2022, the Council agreed that the draft Spelthorne Local Plan 2022 – 2037 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 ended on 21st September 2022 and the local plan was submitted to the Planning Inspectorate on 25th November 2022.
- 1.6 An Examination into the emerging Local Plan commenced on 23 May 2023. However, on 6 June 2023, the Council resolved to request that the Planning Inspector pause the Examination for a period of three (3) months to allow time for the new council to understand and review the policies and implications of the emerging Local Plan. After the three months pause the Council would decide what actions may be necessary before the Local Plan Examination should proceed.
- 1.7 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 Local Plan process forward.
- 1.8 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 had been published before determining the next steps.

- 1.9 On 22 September 2023, the Inspector agreed to a further pause to the Examination and requested that the Council continue to address the issues that he identified in the first week of the Examination, in particular flood risk and its potential implications in relation to the site allocation and delivery strategy of the plan.
- 1.10 On 10 November 2023, the Environment Agency (EA) provided comments on Spelthorne’s Level 1 and Level 2 Strategic Flood Risk Assessment (SFRA) seeking additional information, amendments and updates to the assessment.
- 1.11 Following the Environment & Sustainability Committee meeting on 29 February 2024, it was resolved to propose, to the Planning Inspector, modifications to the emerging Local Plan, including the removal of all Green Belt site allocations, with the exception of two allocations that meet the need for Gypsy, Traveller and Travelling Showpeople, the removal of site allocations at high risk of flooding and to move some higher flood risk sites to the later plan period (years 11-15), and the withdrawal the Staines Development Framework as a core document.
- 1.12 On 19 March 2024 the Council published updated Level 1 and Level 2 SFRA. On 2 May 2024 the EA provided comments, including a request for additional clarification which was provided on 17 May 2024.
- 1.13 As such the policies (of the emerging local plan) carry limited weight in the decision-making process of this current planning application.
- 1.14 The NPPF policy states at para 48 (which is unchanged by the revised draft NPPF 2024) 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).
- 1.15 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.

1.16 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 has no relevant planning history.

3. Description of Current Proposal

3.1 The application property fronts the eastern side of Long Lane and adjoins an accessway to Ashford Burial Ground to the north. There are no residential properties bordering the site to both sides and rear. It is situated within the Green Belt and on a classified road (Long Lane – C239).

3.2 The proposal is for the installation of a 9.0 width vehicular access. This would be an extension to the existing dropped kerb serving the accessway to the north and an extension to the existing pedestrian access to the property. The existing hedging is to be removed and the front railing to be partially removed. Some side hedging is to be trimmed to facilitate the proposal.

3.3 The vehicular access would serve two new parking spaces, measuring 5.0 metres in width by 5.0 metres depth. The distance from the highway to the front elevation is approximately 10.0 metres. There are currently no off-street parking spaces on the application site and so vehicles currently park on-street.

4. Consultations

The following table shows those bodies consulted and their response.

Consultee	Comment
Surrey County Highways	No objection, recommends however conditions and informatives recommended
Council's Tree Officer	No objection
Neighbourhood Services	No objection on Ashford Burial grounds

5. Public Consultation

5.1 No representations received

6. Planning Issues

- Impact on Character.
- Impact on Residential Amenity
- Highway Safety
- Green Belt

7. Planning considerations

Design

- 7.1 Policy EN1 of the Core Strategy and Policies DPD states that proposals for new development '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.
- 7.2 In terms of design, the front low-level hedging is to be removed however the hedging along the side boundaries is to be retained but trimmed back to expose the existing pillar. The existing metal railing is to be partially removed to facilitate the new access. The retained railings would keep the openness and retain the consistent design from the burial grounds facade.
- 7.3 The landscaping in the front driveway is to be removed to facilitate the hardstanding for the car parking area (5x5 metres). Although this loss would result in a lack of soft landscaping and removal of verdant foliage, it is noted that the removal of the landscaping and replacement with porous hardstanding could be carried out under Permitted Development and so would not constitute a reasoned justification for refusal. Nevertheless, the existing hedging on both side boundaries will remain except for a small part close to the road to permit visibility and this will help to soften the visual impact.
- 7.4 The proposed width of the dropped kerb is 9.0 metres. It would adjoin the existing dropped kerb serving the pedestrian access making the total 11.0 approximately metres. There are multiple examples of existing dropped kerbs in the surrounding area including the adjacent dropped kerb of the northern accessway to the burial grounds and accesses to the residential properties on the opposite side of the highway. Therefore, the impact on the character of the area is considered to be acceptable.

Parking

- 7.5 The proposed driveway is to measure 5.0 metres in width and 5.0 metres in depth to accommodate two car parking spaces. The Council's Parking Standards states the minimum size of parking spaces and internal dimensions of single garages is 2.4 metres by 4.8 metres. Therefore, the proposed parking spaces comply with the minimum dimensions.

Amenity

- 7.6 In terms of impact on neighbouring amenity, Policy EN1(b) of the Core Strategy & Policies DPD (CS & P DPD) states that the Council will require proposals for new development to demonstrate that they will 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.
- 7.7 The closest residential properties are 22 Long Lane and 1 Ashdale Close on the opposite site of Long Lane. Therefore, the distance from the proposal to these properties is a minimum of 17.0 metres. and this distance ensures there would be no adverse impact on surrounding properties.

Highway Safety

7.8 Surrey County Highway's initial consultation response requested a speed survey along this section of Long Lane. However, following further discussions, the applicant increased the visibility splays of the crossover to 2.4 metres x 43 metre splays. This also included the enlarging the red line application site boundary and this additional land is part of Ashford Burial Ground. Surrey County Highways has no objection to the revised plans subject to conditions and informatives.

Green Belt

7.9 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". This is unchanged by the draft NPPF 2024.

7.10 At paragraph 143, the NPPF sets out the five purposes of the Green Belt. These are unchanged by para. 140 of the draft NPPF 2024.

7.11 The purposes are:

- a) *To check the unrestricted sprawl of large built-up areas;*
- b) *To prevent neighbouring towns from merging into one another;*
- c) *To assist in safeguarding the countryside from encroachment;*
- d) *To preserve the setting and special character of historic towns; and*
- e) *To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

7.12 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, 'appropriate engineering and other operations'.

The NPPF (and draft NPPF) which postdate the saved local plan, state that inappropriate development is by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances'. Paragraph 154 of the NPPF (para 153 of the draft), state 'engineering operations' are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. It is considered the small scale of this proposed engineering operation would not interfere with the openness of the Green Belt and is acceptable in Green Belt terms.

Other Matters

7.13 A tree is present in the front garden adjacent to the proposal. Amended plans indicate the tree is to be retained. The Council's Tree Officer has not raised any concerns or objections to the proposal regarding any impacts upon this tree and other adjoining trees. Furthermore, SCC has confirmed the tree does not impact visibility.

Equality Act 2010

- 7.14 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 to:
- (a) eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Human Rights Act 1998

- 7.15 This planning application has been considered against the provisions of the Human Rights Act 1998.
- 7.16 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.
- 7.17 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.
- 7.18 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/ 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.
- 7.19 Conclusion
It is considered that the proposed development has an acceptable impact on the character of the area and does not have a significantly harmful impact on the amenity of neighbouring residential properties. It is not considered inappropriate development in the Green Belt. It has successfully demonstrated highway safety. 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: 22289[S]01 rev B; 22289[WD]01 rev B and 22289[WD]04 received 17.07.2024 and thereafter the visibility zones shall be kept permanently clear of any obstruction over 0.6m high.

Reason:-.For the avoidance of doubt and to ensure the development is completed as approved. Also so the development should not prejudice highway safety, nor cause inconvenience to other highway users, and accord with the National Planning Policy Framework 2021 and policy CC2 and CC3 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

3. Space shall be laid out within the site in accordance with the submitted plan reference no. 22289(WD) 01 Rev B for vehicles to be parked. Thereafter the parking area shall be retained and maintained for its designated purpose.

Reason: So the development should not prejudice highway safety, nor cause inconvenience to other highway users, and accord with the National Planning Policy Framework 2021 and policy CC2 and CC3 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

INFORMATIVES

1. The permission hereby granted shall not be construed as authority to carry out any works on the highway. The applicant is advised that prior approval must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, or verge to form a vehicle crossover to install dropped kerbs. www.surreycc.gov.uk/roads-and-transport/permits-and-licences/vehicle-crossovers-or-dropped-kerbs
2. The developer is advised that as part of the detailed design of the highway works required by the above condition(s), the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.