

**Examination of the Spelthorne Core Strategy
and Policies DPD**

Topic Paper on Matter 12

Other Matters

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Other Matters

1. Introduction

- 1.1 Matter 12 covers any other matters on which respondents wish to be heard and not covered in previous topics.

2. Waste and Minerals

(i) **Should there be any reference in the DPD to minerals and waste matters?**

- 2.1 Cllr. Beardsmore objects that the DPD's lack of a policy on minerals and waste is a major omission. He acknowledges this is largely an issue for the County Council but considers that there should be a specific policy on the transport impacts. Cllr. Strong makes similar comments.
- 2.2 County Councils, under the two tier planning system, have a statutory planning responsibility for minerals and waste. Section 16 of the Planning and Compensation Act 2004 requires them to prepare a Minerals and Waste Development Scheme (CD/SCC/207) to programme when minerals and waste DPDs will be prepared.
- 2.3 The Practice Guide to Minerals Policy Statement 1 'Planning and Minerals' 2006 (CD/NAT/438) also explains, at para 18, the County Council's role in preparing MWDS. Para 19 explains that DPDs under these schemes should include a core strategy, site specific allocations of land, a proposals map, action area plan (if needed) and generic development control policies to deal with the impacts of minerals and waste proposals.
- 2.4 PPS12 'Local Development Frameworks (para 2.22) (CD/NAT/410) and the replacement PPS 12, 'Local Spatial Planning', 2008 (para 8.2) (CD/NAT/410a) require District Planning Authorities to include on their adopted proposals maps minerals and waste matters, including safeguarding areas and any minerals and waste allocations which are included in an adopted Development Plan Document by the County Council.
- 2.5 The inclusion of minerals and waste information on a District Proposals Map is the only degree of 'overlap' permitted. Development Plan Documents should not otherwise seek to cover matters already in another Development Plan Document.
- 2.6 Surrey County Council has recently adopted, in May 2008, the Surrey Waste Plan, comprising a Core Strategy, Waste Development DPD and Development Control DPD and is currently preparing DPDs relating to minerals.
- 2.7 It is for the County Council to consider the transport impact of minerals and waste proposals in their DPDs. In the Surrey Waste Plan 2008, Policy CW5 deals specifically with the location of waste facilities and Policy DC3 sets out the general considerations which will be applied in determining proposals for waste related development and which include at (x) traffic generation, access

and the suitability of the highway network. The issue is referred to in para D12 and where appropriate in the Key Development Criteria for specific sites.

- 2.8 Spelthorne's Core Strategy has provided contextual reference to minerals and waste at para 2.22 and identifies that these are matters for the County Council. At para 10.36(c) it sets out support for County Council measures to improve poorly restored mineral workings and a high standard of restoration to current and proposed working. These references carefully avoid any inference that policies in this DPD could be used to intervene on any mineral or waste matter which is properly the responsibility of the County Council.

3. Proposals Map

(i) Should the Tesco store at Sunbury Cross be included in the Shopping Area Boundary and the designated employment area?

- 3.1 The Tesco store at Sunbury Cross is located in the south west corner of a triangular site which is physically separated from the main part of Sunbury Cross by the reservoir aqueduct and has its own separate main vehicular access the A308. It has a secondary vehicular access from Brooklands Close to its west. There is a pedestrian link over the reservoir aqueduct to Sunbury Cross but involves a walk of some distance between the Tesco store and the nearest shops at Sunbury Cross and underlines the store's degree of physical detachment from the centre.
- 3.2 The store is used mainly by car borne shoppers and functions largely independently from Sunbury Cross itself as a free-standing entity.
- 3.3 Whilst the store clearly employs a number of staff, on its own it would not be of sufficient significance to identify as an 'employment area'. As a retail unit its employment role is, in any case, secondary to its primary retail function.
- 3.4 For the above reasons the store has correctly not been included in the Sunbury Cross shopping or employment areas, of which it is clearly not a part. This exclusion is sound.

(ii) Is the boundary of the Employment Area for Ashford correctly shown?

- 3.5 Insight Investments have objected to policies EM1 and TC3 on the basis that the employment area of Ashford town centre should have been reassessed and that the inclusion of their client's site at no 2-12 Clarendon Road for employment and retail is inappropriate. They consider the site more appropriate for a mixed use or residential use (N.B. Although the representation refers to 2-12 Clarendon Road the site identified by the objector on a plan does not include 2 Clarendon Road which is located outside the area they have proposed for amendment). They have made a representation on the Allocations DPD to have the site of 2-12 'allocated' for residential or a mixed area development. They have also submitted a planning application relating to the redevelopment of 8-12 Clarendon Road for residential purposes.
- 3.6 The representation is based on an extract of the Local Plan Proposals Map which included Nos. 2-8 in both the shopping and the commercial area. The

representation has not been based on what is shown on the submission Proposals Map.

- 3.7 In preparing the DPD, the boundaries of existing shopping areas and town centre commercial areas were reviewed. In the case of the shopping area at Ashford, nos. 4-8 Clarendon Road were excluded from the shopping area because that frontage did not function as part of the shopping area or contain any retail uses. The employment area on the submission Proposals Map includes nos. 2-8 because of the existing employment uses in the properties, but does not include nos. 10-12 which are existing residential properties.
- 3.8 The objector has incorrectly based the representation on the wrong proposal map and, in any case, incorrectly assumed this whole site was within both the shopping and employment area.
- 3.9 In response to the question, the boundary of both the shopping and employment areas has been prepared following careful assessment of existing uses and relationship of sites to the town centre. The Council is satisfied they are correctly drawn so that 4-12 Clarendon Road is excluded from the shopping area and 2-8 Clarendon Road is included within the employment area.

4. KEMPTON PARK RACECOURSE

(i) Would it be appropriate for the Core Strategy to contain a site specific policy relating to Kempton Park Racecourse?

- 4.1 Jockey Club Racecourses (JCR) ask that the Inspector considers not only specific issues raised in relation to the 'submission' plan but also the representations presented at the Issues and Options stage and also the Preferred Options stage. They have made a separate representation to the Allocations DPD for part of the main car park at Kempton Park to be released from the Green Belt and allocated for housing.
- 4.2 At the Issues and Options stage they suggested the whole of the Racecourse be designated as a Major Developed Site (MDS) to ensure its continued viability, to recognise the urban character of the developed portion and to provide flexibility to bring forward further infilling or redevelopment. The issue of designation as an MDS was considered by the Inspector who conducted the Local Plan Inquiry in 1998/99 (CD/SBC/091) (para 2.4.6) when the same proposition was made. He rejected the proposal. He disagreed that the developed area of the site was major and therefore Kempton Park could not be regarded as an MDS. He also accepted that the other two preconditions for designation; a need for jobs or environmental improvement (as set out in Annex C to PPG 2), did not apply in this case. There has been no material change in circumstances to come to a different conclusion. (See also responses to this point in the Summary of Representations to the Re-advertised Core Strategy (CD/SBC/074), page 4.)
- 4.3 At the Preferred Options stage Racecourse Holdings Trust Ltd sought the removal of the main building complex from the Green Belt and its identification by a specific policy for the developed 'urbanised' part of the site. This area represents some 2.5% of the site as a whole. The proposed policy sought general support for Kempton Park as a recreation, leisure and entertainment facility and proposed supporting text in support for 'additional

equine support facilities, hotel and casino use, conference facilities, alternative leisure, recreation and residential development'. The Council's Report on the Preferred Options Consultation (CD/SBC/037), page 87 referred to the site's Green Belt status and primarily open nature and that only uses appropriate to support the open use of the site should be permitted and directly related to it as set out in PPG 2.

- 4.4 The representation made to the Re-advertised Core Strategy and Policies DPD comprises a report which refers to the previous representations (and includes them as Appendix 1 and 2), which are summarised above. The latest representation makes no specific policy proposal but, in the introduction (para 1.1) states that the purpose of the submission report is to provide an analysis of the submission DPD in "seeking to provide for Kempton Park (a) a supportive planning framework for the consolidation of the business through the diversification of facilities, and (b) the removal of part of the built up area of the racecourse from the Green Belt and its subsequent allocation for residential development in the Allocations DPD to assist the LPA in meeting housing need in suitable location". The representation provides no further supporting material on this point or proposed 'policy framework' or even a plan defining the area proposed for release. Plans showing part of the car park and half the open area of the racecourse are attached only to the representation on the Allocations DPD and not to this DPD. Neither does the representation to this DPD provide any evidence as to why diversification and consolidation of the business is needed or how it justifies development of Green Belt land.
- 4.5 At the Issues and Options stage (letter of 31 October 2005 attached as Appendix 1 to their current representation) JCR sought to justify the need for a site specific policy based on para 4.47 of the Surrey Structure Plan (CD/SCC/200). Their quotation of the text omits a crucial sentence which distorts its meaning. The missing sentence refers to the fact 'Sport England aims to protect and enhance national and regional facilities and is in the process of identifying Significant Areas for Sport'. The following sentence which they quote uses the word 'these' connecting it directly to the identified Significant Areas for Sport. The Structure Plan reference is being mis-applied.
- 4.6 The role of a core strategy is to set out a strategy for the Borough and, in respect of any detailed policies, these should be generic and limited. The DPD has been prepared on this basis. JCR has not clarified exactly what they want, having presented previously proposals for designation as an MDS, then at Preferred Options Stage in effect an open ended policy to do what they wish, and are now seeking a 'supportive planning framework'. They have failed to explain why the plan would be unsound without this or, if it is unsound, how it is made sound with such an approach.
- 4.7 The DPD identifies that development should take place in the urban area and there is sufficient capacity for the urban area to meet development needs. Saved Local Plan policy on the Green Belt and PPG2 provide an appropriate basis to consider development proposals on Green Belt sites such as Kempton Park and to consider any exceptional circumstances that may be advanced in the future.
- 4.8 Given the scope of existing guidance in the DPD, which provides an adequate basis for decisions about future development proposals on this site, it must be regarded as sound. On this basis, however much the objector might wish to

have the comfort of a specific policy for their site, aside from whether the form of policy they seek is appropriate, such a site specific policy is unnecessary to make the plan sound. It would, therefore, be inappropriate to contemplate a site specific policy.