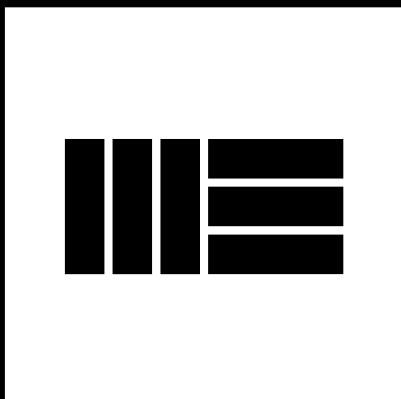


BUGLE NURSERIES, 171 UPPER HALLIFORD ROAD, SHEPPERTON

PLANNING STATEMENT

NOVEMBER 2022



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1.0 INTRODUCTION

1.1 This Planning Statement has been prepared by Montagu Evans LLP to assist with the consideration and determination of an application for outline planning permission by Angle Property (RLP Shepperton) LLP ('the Applicant') for the redevelopment of Bugle Nurseries, 171 Upper Halliford Road, Shepperton, TW17 8SN. A Site Location Plan is provided within Appendix 1.

1.2 The application proposal is shown on Illustrative Masterplan within Appendix 2. It comprises:

"Outline application with approval sought for scale, access and siting, with details of appearance and landscaping reserved, for the demolition of existing buildings and structures, removal of waste transfer facility and the redevelopment of the site for up to 80 residential units and the provision of open space and a play area, plus associated works for landscaping, parking areas, pedestrian, cycle and vehicular routes".

Background

1.3 Planning permission was approved on 15 July 2021 following appeal for development of 31 homes on the previously developed part of the site (LPA Ref 20/00123/OUT). This would involve a band of housing development that would link the existing housing areas to the north and south of the site. The existing bungalow would be retained and the remainder of the site frontage would be landscaped.

1.4 Subsequently the Applicant has been in discussion with the Council including its Local Plan team regarding an alternative form of development that would:

- Rebalance the brownfield and greenfield parts of the site with the aim of creating a more coherent urban form where new housing would relate better to the extent of the built up area to the south; and
- Create a durable boundary to undeveloped Green Belt through providing a safeguarding a gap to the built up area north of the site that would be continuous with public open space to the west.

1.5 The above has culminated in draft Site Allocation HS1/009 in the emerging Local Plan which identifies the site for approximately 79 dwellings. The draft Plan has been subject of both Regulation 18 and Regulation 19 consultation. At the Council's Environment and Sustainability Committee on 8th November 2022, Members voted publish the updated Local Development Scheme (LDS) which includes a commitment of submission of the draft Plan to the Secretary of State in November 2022. The LDS targets adoption of the Plan by September 2023.

1.6 The proposal is being brought forward within this context and to deliver on the Council's objectives for the site in the draft Plan.

Purpose of this Statement

1.7 This Statement provides a comprehensive account of the proposal. It includes an appraisal against planning policy and guidance and sets out how it responds to site-specific issues and a series of technical environmental assessments. It is structured as follows:

- Section 2 – Site and Surrounding Area;
- Section 3 – Planning History;

- Section 4 – Application Proposal;
- Section 5 – Planning Policy Considerations;
- Section 6 – Sustainable Development;
- Section 7 – Green Belt Matters;
- Section 8 – Other Planning Policy Matters; and
- Section 9 – Conclusions.

1.8

This following documents, forming part of the planning application, are to be read in conjunction with this Statement:

- Schedule of Documents;
- Drawing Schedule;
- Application Form;
- Cover Letter, prepared by Montagu Evans;
- Outline Planning Application Form, prepared by Montagu Evans;
- Planning Statement, prepared by Montagu Evans;
- Community Infrastructure Levy Form, prepared by Montagu Evans;
- Existing and Proposed Plans, prepared by TP Bennett;
- Design and Access Statement, prepared by TP Bennett;
- Landscape and Visual Impact Assessment, prepared by Aspect Landscape;
- Landscaping Masterplan, prepared by Aspect Landscape;
- Transport Assessment, prepared by Mayer Brown;
- Travel Plan, prepared by Mayer Brown;
- Air Quality Assessment, Mayer Brown;
- Updated Construction Dust Assessment, prepared by Mayer Brown;
- Arboricultural Impact Assessment, Tree Survey and Method Statement, prepared by Delta Simons;
- Bat Surveys, prepared by Delta Simons;
- Preliminary Ecological Appraisal, prepared by Delta Simons;
- Biodiversity Net Gain Assessment, prepared by Delta Simons;
- Archaeological Desk Based Assessment, prepared by CgMS;
- Flood Risk Assessment and Drainage Strategy, prepared by Mayer Brown; and
- Statement of Community Involvement, prepared by Consult Communications.

2.0 SITE AND SURROUNDING AREA

- 2.1 The Site is located in Upper Halliford which falls within the administrative boundary of Spelthorne Borough Council. The application site is currently located within the Metropolitan Green Belt.
- 2.2 The Site is bound by and accessed from Upper Halliford Road to the east. To the northeast is the vacant Bugle Public House which has been acquired by the Council and has been redeveloped for 8 flats in line with planning permission granted on 25 August 2017 (LPA Ref: 17/01028/FUL). There is undeveloped land and a lake to the rear of the public house to north and residential development to the south. A railway line forms the western boundary of the site, beyond which is Halliford Park, public recreation land, and fields bounded by the M3 motorway and the extensive Charlton Lane Community Recycling Centre and waste transfer station.
- 2.3 The 4.84 hectare site comprises a bungalow and a range of commercial buildings. There are extensive areas of hard standing used for the storage of vehicles and other open storage compounds. There is evidence of derelict nursery related structures close to the site frontage. The application site includes highway land related to the proposals. Also included within the application site is 3.37ha of land comprising:
- Approximately 0.5ha in the far western part of the site which is used for aggregate grading and recycling; and
 - Paddocks within the central part of the site which are grass fields extending to approximately 2.87ha located either side of the access road to the recycling area.
- 2.4 The 3.37ha of the site forming the aggregate and recycling centre and paddocks is included within the application boundary so that, in applying the planning balance, full weight could be afforded to the benefits of returning the land to a natural state following removal of the waste transfer facility.
- 2.5 The Site is well connected for access both by car and by public transport. The Site is accessed directly from Upper Halliford Road, which benefits from frequent bus services and Upper Halliford railway station is located approximately 750m to the north of the Site. In addition the Site is a short distance from Junction 1 of the M3.
- 2.6 The Site is located within Flood Zone 1 as set out on the Environment Agency's flood map. This indicates a low risk of flooding.

3.0 PLANNING HISTORY

- 3.1 The site has a complex and extensive planning history, which we summarise in this Section. The Applicant submitted a planning application for outline planning permission for the redevelopment of the site for up to 31 dwellings (ref: 20/00123/OUT / APP/Z3635/W/21/3268661) on 31st January 2020. The application was refused on by the local planning authority for perceived conflict with Green Belt policy. The Applicant subsequently appealed the refusal, which was allowed by the Planning Inspectorate in July 2021 (Appendix 3).
- 3.2 The following matters from the Inspector's decision for the allowed appeal are particularly relevant to this application:
- The principle of residential development on the Site is established;
 - The consented scheme did not constitute inappropriate development within the Green Belt as the development was contained to the area of previously developed land within the site. The amount of previously developed land at the site is established by the appeal;
 - The visibility of the site from Upper Halliford Road can be mitigated through an appropriate landscaping mitigation response;
 - The Council cannot demonstrate a deliverable five year housing land supply and its Housing Delivery Test result was only 69%. In this context the Inspector gave significant weight to the delivery of new housing;
 - The Inspector agreed that there is a very substantial shortfall in the delivery of affordable housing across the borough. The Inspector gave significant weight to this consideration;
 - Bugle Nurseries is a sustainable location with good access to local services and facilities, including public transport links. The Inspector gave this moderate weight;
 - The Inspector agreed that the removal of the existing bad neighbour use and remediation of the site was a clear benefit of the proposals, which in his view attracted moderate weight;
 - The Inspector also attached moderate weight to the provision of public open space in the western part of the site; and
 - The proposals will deliver economic benefits during construction and operational phases of the development, which weighed in favour of the development and we given moderate weight.
- 3.3 It is relevant to note that a second, linked appeal was dismissed by the Inspector for a larger proposal for up to 43 residential units and a 62 bed care home (19/01022/OUT / APP/Z3635/W/20/3252420). The Inspector concluded that this scheme, unlike the allowed appeal discussed above, was inappropriate development in the Green Belt and at that time, very special circumstances did not exist to overcome the harm to the Green Belt necessary to justify the development.

4.0 APPLICATION PROPOSALS

- 4.1 The Applicant is seeking outline planning permission to redevelop Bugle Nurseries to provide 80 new homes along with the provision of public open space and landscaping areas. The proposal is being brought forward to deliver on the Council's objectives of the draft site allocation (ref: HS1/009). This will result in the demolition of the existing bungalow, resulting in a scheme of net 79 units. It also seeks to address the matters raised by the Council and the Inspector to application reference: 19/01022/OUT.

General Approach

- 4.2 The general approach of this proposal has been to deliver development which focuses on the previously developed part of the site, whilst looking to retain as much greenfield land as possible. In addition, works will be undertaken to provide a material improvement to the openness and character of the Green Belt by removing the existing buildings and re-landscaping the brownfield parcels of land to provide public open space that will be available to residents and the general public. This enables private land to be opened up and available to everyone and is a primary objective to the Proposed Development. It could also form part of the Council's vision for creation of a country park involving its land holding to the north. The Proposals seeks to bring forward a high quality scheme including a comprehensive landscaping strategy to positively improve the existing green landscape and increase accessibility to these natural features. Pedestrian access will also be provided for residents to the south of the site. Further details of the design rationale are set out within the Design and Access Statement.

Community Engagement

- 4.3 The proposals at the Site have undergone extensive consultation with the local community and key stakeholders. The majority of respondents supported new development at the Site and therefore it is reasonable to assume that the Proposals sought within this application would also be supported. It is clear that there is overwhelming support from the local community to see the Site redeveloped in the manner that is proposed.

Demolition

- 4.4 It is proposed to demolish all existing buildings and structures at the Site as part of the proposed redevelopment. These are situated to the north eastern corner of the Site. All existing buildings equates to a collective floorspace of 1,087 sqm.

- 4.5 The demolition of all existing buildings and structures was a part of the proposals approved under application reference: 20/00123/OUT at Appeal on 13th November 2020 as discussed earlier on in the Statement. Below is a table setting out the existing buildings to be demolished and the proposed floorspace and height.

	Floorspace	Maximum Height
Existing	1,087 sqm	4.66m
Proposed	6,948 sqm	9.5m

- 4.6 The existing buildings and structures are mostly clustered to the east of the Site and are not of high architectural quality. Thus, they are not in a good position to be retained/refurbished as part of the comprehensive redevelopment of the Site. The buildings to be demolished in the north eastern corner of the Site will be re-landscaped and will become publicly accessible.

Proposed Housing

- 4.7 The proposed housing development is focused in the south east corner of the site, focused on the area of previously developed land. The new residential development is a natural extension to the existing development that neighbours the Site. The application site area comprises approximately 4.84 hectares, of which 2.28 hectares is proposed to accommodate the residential units. The indicative layout would provide for 6,948 sqm of built footprint. A summary of the existing and proposed comparison for the revised proposal is provided below.

	Existing	Proposed	Difference
Footprint	1,087 sqm	4,147 sqm	+ 3,060 sqm (+281.5%)
Floorspace	1,087 sqm	6,948 sqm	+ 5,861 sqm (+539%)
Hardstanding	9,503 sqm	8,541 sqm	- 962 sqm (-10.1%)
Green Space	33,110 sqm	35,337 sqm	+2,227 sqm (+6.7%)

- 4.8 The proposal shows the following mix of accommodation:

Unit Type	Number of Units (+ Ratio%)
1 bedroom maisonette	18 units (22%)
2 bedroom maisonette	6 units (8%)
2 bedroom house	11 units (14%)
3 bedroom house	34 units (42%)
4 bedroom house	11 units (14%)
Total	80 units

- 4.9 These proposals deliver entirely on the draft site allocation. The Scheme will provide a number of units as maisonettes, contributing 24 units consisting of 1 and 2 bed units. The remainder of the units will be provided as houses across the remainder of the site, consisting of 2, 3 and 4 bedroom homes, which is in line with the Council's strategic objectives set out within the Housing Size and Type SPD (July 2012), and the identified need for family housing within the Site's draft allocation and emerging Plan.
- 4.10 The Proposed Scheme will deliver 50% affordable housing provision which comprises 40 units.
- 4.11 Each dwelling will have dedicated car parking to comprise 1 or 2 spaces depending on size. The indicative layout shows provision for private gardens appropriately sized for each the dwelling houses and extensive shared amenity space. All residents will be able to access the public open space to the west of the Site in addition to the aforementioned on-site resource. Cycle parking is also indicated.

Proposed Public Open Space

- 4.12 The proposal includes provision of approximately 2.75 hectares of public open space including the aggregate processing facility in the western part of the site will be returned to a natural state. This will be linked to an extensive area of open space in the central part of the site which will be publicly accessible. The open space will be appropriately landscaped and will provide a pedestrian gated access along the southern boundary of the site to improve the general accessibility of the open space and to connect to the footpaths which extend northwards of the site. Provision will also be made for a children's play area. This area has been included within the application boundary to enable the Council to apply full weight to it as a material consideration.

Proposed Access

- 4.13 Detailed permission is sought for access in respect of the Proposed Development. The submitted parameters plans show an alignment for the roads within the site, for which consent is sought, and that the adopted highway land is to be incorporated within the proposed landscaping strategy. The proposed access points remains the same as the existing, but this will be widened and improved, as per approved under the previous application. The retained main access in the centre of the site will provide access for all residential users. The existing secondary access from Upper Halliford Road (on the northern edge of the site) will be removed and the public footpath retained.

Car Parking

- 4.14 With regards to car parking, the Proposal will deliver 152 parking bays for the residential units, in line with the Council's parking requirements, plus 6 additional spaces for visitors (158 total spaces).
- 4.15 Given the increase in the number of housing units proposed as part of the revised Scheme, car parking provision has undoubtedly had to be increased from what was proposed in the previous applications. Car parking provision was considered acceptable in both of the previous applications as they were in compliance with the Council's parking standards and highways raised no objections. As such, the parking proposed as part of the Scheme sought within this Statement has increased but still continues to be in accordance with the required standards.

Cycle Parking

- 4.16 Covered and secure cycle parking for 24 bicycles will be provided for the proposed apartment units. This is in excess of the 27 cycle parking spaces requirement within the vehicle parking standards. There will be an addition of 10 cycle spaces for visitors which will be located throughout the development at convenient central locations, such as the proposed play area and close to the apartment complexes.

Proposed Pedestrian Crossing

- 4.17 As per the previous applications, a pedestrian crossing is proposed as part of the revised Scheme, in response to feedback from local residents and in accordance with the draft site allocation HS1/009. Discussions with the Surrey County Council and the highways agency were undertaken during the preparation stages of the previous application and a new pedestrian crossing in this location has previously been agreed. Thus, no further discussions were had in relation to this Application given there has been minimal changes to the proposed highway works.

- 4.18 The proposed pedestrian crossing will be in the form of a pelican crossing providing easy and safe pedestrian access between the Site and Halliford Park situated opposite to the east. The proposed access will also provide a direct route to public footpath FP20.

Proposed Scale

- 4.19 The application site is split into two distinct zones, the Development Area and then Open Space. The Development Zone limits built development to this area of the site and the Height Parameter Plan limits built development to a height of 21.30m AOD (equivalent to 9.5m).
- 4.20 This will ensure that the new buildings will be no greater in height than the existing buildings in the locality, allowing for existing site levels.

Proposed Siting

- 4.21 This application also seeks permission for the siting of residential accommodation, including garages, within the development zone.

Indicative Layout/Appearance

- 4.22 Whilst the siting is for approval at this stage, ultimately the layout and appearance of the proposed housing development is reserved for future consideration. However, the parameters of the proposed access roads and development zones allow for a traditional housing and flatted development layout with appropriate car parking, private gardens, cycle parking and refuse.
- 4.23 It is envisaged that future development will comprise traditional housing development under pitched roofs with materials and fenestration which is appropriate to the characteristics of the locality.

Indicative Landscaping

- 4.24 A landscaping masterplan has been prepared and is included within the application submission. This allows for existing boundary planting to be retained where possible and held privately by a management company

to ensure views of the site remain screened. An illustrative landscaping strategy is provided for the proposed housing development and the open space.

- 4.25 The landscape strategy includes additional tree and flower planting across the entire development, including private gardens, within the strategic gap area and throughout the housing development area. The vision of the landscaping strategy is to ensure views are protected and to create a defensible edge from the existing residential development situated to the south. Native tree, shrub and wildflower planting are incorporated within the revised Scheme to increase the biodiversity opportunities at the Site, in conjunction with the fact that these elements are aesthetically pleasing for the public.

5.0 PLANNING POLICY CONSIDERATIONS

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with a statutory development plan unless material considerations indicate otherwise. It is also necessary to consider proposed development in the context of national policy which is a material consideration. We summarise the policy considerations relevant to the current application below.

National Planning Policy Framework (NPPF)

- 5.2 The NPPF (2021) sets out the Government's planning policies for England and how these are expected to be applied. Paragraph 2 notes that whilst planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise, the NPPF must be taken into account as a material consideration in planning decisions. It is to be read in conjunction with the National Planning Policy Guidance (NPPG).

Sustainable Development

- 5.3 The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development. The three, mutually dependant, dimensions to sustainable development are:

- Economic – contributing to building a strong, responsive and competitive economy, providing sufficient land to support growth and innovation;
- Social – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a well-designed built environment, with accessible services and open spaces; and
- Environmental – contributing to protecting and enhancing our natural, built and historic environment including making effective use of land.

- 5.4 Sustainable development involves positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including (but not limited to):

- Making it easier for jobs to be created;
- Moving from a net loss to a net gain of bio-diversity;
- Replacing poor design with better design;
- Improving the conditions in which people live, work, travel and take leisure; and;
- Widening the choice of high quality homes.

Presumption in Favour of Sustainable Development

- 5.5 The key consideration in the determination of a planning application is the Development Plan with other material considerations being relevant as appropriate, including the guidance within the Framework. Therefore the weight to be attributed to the policies identified in the development plan will depend upon the consistency they have with this National Framework.

5.6 Part a) of paragraph 48 of the NPPF states that local planning authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given). In this instance, the Council have recently published the Pre-Submission version of the Local Plan and thereby are at an advanced stage within the local plan process. As such, greater weight can be applied to the emerging policies when determining this Application.

5.7 Part d of Paragraph 11 of the NPPF notes that plans and decisions should apply a presumption in favour of sustainable development, and for decision making this means:

“Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. 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”.*

5.8 Footnotes to the above clarify that policies referred to in Part i of Paragraph 11 Part d above include those relating to land designated as Green Belt.

5.9 On 14th January 2022, the Housing Delivery Test Results for the Borough were published by the Secretary of State. This determined that the Borough scored only 69%. This represents that the net number of homes delivered over the preceding 3 year period was substantially below the housing requirement when considered against footnote 8 of the NPPF (2021).

5.10 The Council adopted the Housing Delivery Test Action Plan (HDTAP) in October 2021 which outlines a number of material factors that are central to the consideration of housing proposals in the Borough. The Council also cannot demonstrate a five year housing land supply. The Development Plan policies relevant to the application site and proposals are therefore out of date.

Housing Delivery

5.11 Delivering a wide choice of high quality homes is a key aspect of sustainable development. Paragraphs 61 and 62 state that to deliver this planning authorities should plan for the size, type and tenure of housing needed for different groups in the community based on demographic trends and market trends.

5.12 In identifying land for homes, Paragraph 74 makes it clear that in planning policies should identify a supply of “*specific, deliverable sites*” for years one to five of the plan period. The NPPF requirement for providing five years’ worth of housing supply is set as a minimum and is not intended to be a cap or ceiling on delivery.

Design

5.13 The Government attaches great importance to design of the built environment in achieving sustainable development. Good design is a key aspect of sustainable development, which creates better places in which to live and work and helps development acceptable to communities (paragraph 124).

5.14 Paragraph 130 considers that planning decisions should promote developments that:

- 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;

- are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- 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);
- 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;
- optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Green Belt

5.15 Section 13 concerns the protection of the Green Belt, to which the Government attaches great importance. 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 (paragraph 137). The Green Belt serves five purposes (paragraph 138):

- To check the unrestricted sprawl of large built-up areas;
- To prevent neighbouring towns 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 regeneration, encouraging the recycling of derelict and other urban land.

5.16 Greater emphasis is placed on achieving sustainable outcomes when considering the release of Green Belt (paragraph 142) and it is noted that:

“Strategic policymaking authorities should consider the consequences for sustainable development of channelling development towards urban areas inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary. Where it has been concluded that it is necessary to release Green Belt land for development, plans should give first consideration to land which has been previously-developed and/or is well-served by public transport. They should also set out ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land”.

5.17 Paragraphs 147-148 state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be 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 proposal, is clearly outweighed by other considerations.

- 5.18 New buildings are inappropriate in Green Belt except where they meet the requirements of paragraph 149 (part g) which includes:

*“Limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: – not have a greater impact on the openness of the Green Belt than the existing development; **or – not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority**”.*

- 5.19 The underlined statement (our emphasis) represents a change to national policy in respect of the consideration of proposals that would contribute to meeting identified affordable housing need. Such proposals on brownfield land are to be regarded as “appropriate” where harm to the openness of the Green Belt is not “substantial”.

- 5.20 Further, the Site is now recommended for allocation within the emerging Local Plan for release from the Green Belt to deliver a new housing development. Referring back to paragraph 48 of the NPPF, some weight is able to be applied to the Site’s draft allocation in the emerging Local Plan, given that the Council are at an advanced stage in their local plan process.

- 5.21 We enclose at Appendix 4 an appeal decision (APP/V1505/W/22/3296116) in which an Inspector gave weight to a withdrawn Local Plan and evidence base which included the site as a site allocation. In this appeal the Inspector found it relevant that the site in question was found to be suitable for development and for withdrawal from the Green Belt, and that the Council’s Action Plan relied on adoption of the Plan to improve the Council’s housing land supply position.

- 5.22 As a result, the concerns regarding Green Belt are diminished at Bugle Nurseries given that the Site has been identified for release.

Definition of Previously Developed Land

- 5.23 Annex 2 of the NPPF provides the following definition of previously developed land to assist with the application of planning policies:

“Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape”.

- 5.24 The extent of previously developed land within the site was established in the appeals discussed under Section 3. The parts of the site related to mixed commercial and waste handling uses fall within the Annex 2 definition of previously developed land.

Natural Environment

- 5.25 Section 15 concerns the natural environment. It requires the planning system to contribute towards and enhance the natural and local environment by; protecting and enhancing valued landscapes, recognising the wider benefits of natural capital and ecosystem services, minimising impacts on and providing gains in biodiversity, preventing pollution and remediating derelict, contaminated and unstable land (paragraph 174).

Planning Practice Guidance

- 5.26 The Planning Practice Guidance (PPG) was first published in March 2014. The Housing and Economic Land Availability Assessment section of the NPPG has been updated twice since its original publication, firstly in September 2018 and most recently July 2019. The PPG was then updated another three times to include guidance regarding design, first homes and fire safety.
- 5.27 Paragraph ID 3-034-201403306 of the March 2014 version was entitled 'Can unmet need for housing outweigh Green Belt Protection' and states that "Unmet housing need (including for traveller sites) is unlikely to outweigh the harm to the Green Belt and other harm to constitute the "very special circumstances" justifying inappropriate development on a site within the Green Belt".
- 5.28 However, this was deleted in the September 2018 version and it does not appear in the latest July 2019 version.
- 5.29 The Government has therefore clearly indicated that unmet housing need can outweigh harm to the Green Belt and other harm to constitute "very special circumstances" justifying inappropriate development. The Council has accepted in its emerging Local Plan strategy that Green Belt sites have had to be identified for release in order for them to meet their increasing housing need (now 618 dwellings per annum) and that the development of Green Belt sites will be brought forward in attempt to address years of under delivery and to increase the delivery of affordable housing, family housing and open space provision.

Development Plan

- 5.30 The statutory Development Plan comprises the Spelthorne Core Strategy and Policies DPD 2009, Allocations DPD 2009 and the saved policies of the Local Plan 2001. As detailed above, relevant policies contained within the Development Plan are out of date, engaging Paragraph 11 of the NPPF. The weight given to adopted policy in the consideration of the determination of this application is therefore diminished considerably. In any event we summarise the relevant policies below.
- 5.31 As discussed previously, paragraph 48 of the NPPF outlines that great weight can be applied to policies where the Council is at an advanced stage in the local plan process. Given that the Council have published the Pre-Submission version of the Local Plan and this is to be submitted for Examination in November 2022, weight can be applied to the Site's draft allocation which identifies the Site for release from the Green Belt to deliver new housing.

Site Allocations

- 5.32 The Policies Map 2009 confirms that the entire Site is designated as Green Belt, located within the Heathrow heights safeguarding area and smoke control order area.

5.33 The Site is located within Flood Zone 1 and is therefore at low risk of flooding from fluvial or tidal sources. The Site does not contain any listed buildings and it is not within a conservation area. There are no listed buildings in the vicinity of the Site.

Spelthorne Core Strategy Policy

5.34 The Core Strategy and Policies pre-dates the NPPF and therefore policies within it are not fully up to date. We summarise the policies relevant to the Site below:

- Green Belt – the Core Strategy adopts a protective stance to development in the Green Belt. However, the NPPF policies set out above are the relevant consideration.
- Policy SP6 seeks to promote the improvement of poor quality environments within the urban area and in the Green Belt.

Housing

5.35 The Core Strategy identifies a need for 3,320 dwellings over the Plan period (2006-2026) or 166 dwellings per annum. This is now regarded to be out of date further to recently published evidence concerning objectively assessed housing need (discussed later).

5.36 Policy SP2 states that 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.

5.37 Policy HO3 states that 40% of all net additional dwelling completed over the plan period should be affordable and that this will be achieved by:

a) having regard to the circumstances of each site, negotiating for a proportion of up to 50% of housing on sites to be affordable where the development comprises 15 or more dwellings (gross) or the site is 0.5 hectares or larger irrespective of the number of dwellings. The Council will 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 should be conducted on an 'open book' basis,

b) encouraging registered social landlords to bring forward smaller sites of one to fourteen dwellings (gross) consisting wholly of affordable housing regardless of site size.

5.38 It seeks to ensure that no more than 35% of the total affordable housing component is intermediate housing.

5.39 Policy HO4 seeks to ensure that the size and type of housing reflects the needs of the community by:

a) requiring developments that propose four or more dwellings to include at least 80% of their total as one or two bedroom units;

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,

c) encouraging the inclusion within housing schemes of a proportion of dwellings that are capable of meeting the needs, as occupiers, of people with disabilities.

- 5.40 Policy HO5 states new development should generally be at a density of between 35 and 55 dwellings per hectare.
- 5.41 Policy EN1 seeks a high standard of design and layout of new development.
- 5.42 Policy EN8 seeks to protect and improve landscape and biodiversity.
- 5.43 Policy CC2 seeks more sustainable travel patterns whilst Policy CC3 requires the appropriate provision made for off street parking in new development in accordance with the Council's maximum parking standards.

Spelthorne Saved Policies of the Local Plan 2001

- 5.44 Saved Policy GB1 makes reference to the now superseded National Planning Policy Guidance 2. This has been replaced by the NPPF policies set out above which are the relevant consideration.
- 5.45 Saved Policy BE26 states that outside the defined areas of high archaeological potential, the 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 hectares.

Emerging Policy

Pre-Submission Spelthorne Local Plan 2022 – 2037

- 5.46 The emerging Local Plan includes proposals to increase the Borough's housing requirement significantly above the outdated level. The Council consulted on the Pre-Submission Publication Version of the Local Plan which was consulted on in June 2022. The draft document has increased the Council's housing targets from the previous versions of the Plan and 618 dwellings per annum is the new housing target. This reflects the Government's housing requirement for the Borough using the standard method for assessing housing need.
- 5.47 The Council identifies the site as a draft allocation within the Pre-Submission Publication Version of the Local Plan (site HS1/009). The draft site allocation identifies a capacity of approximately 79 units on the south eastern part of the site (Part A) which is to be removed from the Green Belt upon adoption of the draft Plan. Refer to Figure 1 below which shows the draft site allocation.

Figure 1: Site HS1/009



5.48 Part B of the site is to be retained in the Green Belt as publicly accessible open space whilst also ensuring a permanent gap with the settlement to the north. The draft site allocation lists the following additional requirements to guide the future development of the site:

- The creation and maintenance of a buffer along the northern boundary of the site to retain and enhance the Green Belt function. The buffer should be no less than 50 meters and remain open and free of development. This should be continuous with the public open space to the rear of the site.
- Provision of a pedestrian crossing adjacent to the site on Upper Halliford Road.
- 50% Affordable Housing (subject to viability testing).
- The enhancement of boundary planting should be used as an opportunity to provide net gains in biodiversity. This will need to be demonstrated through appropriate habitat/species surveys and implementation of management plans.
- Strengthening of the adjacent Green Belt boundaries to retain its performance and strategic role adjacent to the site.
- Remediation of the existing waste transfer use on site.
- Include measures to mitigate the impact of development on the local road network and take account of impacts on the strategic road network as identified through a site-specific Travel Plan and Transport Assessment.
- Provide or contribute to any infrastructure as set out in the IDP and/or identified at the application stage which is necessary to make the site acceptable in planning terms.
- Maximise the use of Climate Change measures and renewable energy sources, in accordance with Policy DS2 to make buildings zero carbon where possible.

5.49 Draft Policy H2 also targets 50% affordable housing, with a preferred tenure split of 75% affordable/social rent and 25% First Homes as a reflection of prevailing local needs.

Other Considerations

5.50 In addition to the above, the following documents will be material considerations in respect of future development proposals at the site and are referred to within Section 7 of this Statement where relevant:

- 1) National Technical Housing Standards published March 2015;
- 2) CIL Charging Schedule adopted 2014;
- 3) The following Supplementary Planning Documents published by the Council:
 - i. Design of residential extensions and new residential development SPD (April 2011).
 - ii. Housing Size and Type SPD (July 2012).

Housing Supply Position

5.51 On 14th January 2022, the Housing Delivery Test Results for the Borough were published by the Secretary of State. This determined that the Borough scored only 69%. This represents that the net number of homes delivered over the preceding 3 year period was substantially below the housing requirement when considered against footnote 8 of the NPPF (2021). Accordingly, Spelthorne is required to:

- 1) Engage the presumption in favour of sustainable development (Paragraph 11 of the NPPF);
- 2) Apply 20% buffer to the strategic housing requirement
- 3) Adopt a Housing Delivery Action Test Action Plan.

- 5.52 The Council adopted its Housing Delivery Test Action Plan (HDTAP) in November 2021 which outlines a number of material factors that are central to the consideration of housing proposals in the Borough. The Council have identified a five year housing land supply of 3,286 units, and of the sites identified in the Strategic Land Availability Assessment (SLAA) 2020, approximately 1,200 are expected to come forward in Staines-upon-Thames within the next 5 years.
- 5.53 Since the HDTAP was adopted in 2021, the Council have produced an accompanying Report to support the Pre-Submission version of the New Local Plan at Committee which states *“the Publication Version of the Local Plan accords with the strategy agreed in July 2021 to meet our housing need (now 618 dwellings per annum), release approximately 0.7% of Green Belt, and no longer include an additional housing allocation for Staines”*.
- 5.54 This approach is to provide opportunity to reduce some building heights in Staines through zoning proposals and allow for more family homes with gardens to be built, as referred to in the Committee Report (April 2022).
- 5.55 Since then the 2022 HDTAP (published October 2022) states that Spelthorne has a 4.43 year housing land supply when the additional 20% buffer is applied, confirming that they do not have a 5 year housing land supply. The 2021 appeal decision suggested the Council at that time that it had a slightly improved 4.79 years of supply, though this appears to have reduced as outlined in the 2022 HDTAP.
- 5.56 The HDTAP also identifies that there has been significant, persistent under delivery of affordable housing since 2009. Only 513 units have been delivered in the 13 year monitoring period which represents 39.5 per annum.
- 5.57 It is relevant to not that the Borough provided zero affordable homes in 2019/20, only 22 affordable homes in 2020/21 and zero affordable homes in 2021/22. This equates to delivery of only 22 affordable homes in the past 3 years. The SHMA Update (2019) identifies that there is a need for 65 affordable homes per annum between 2019-2035. The Council is failing to deliver on this requirement.
- 5.58 It is clear therefore that there is a significant need to deliver housing and affordable housing in the Spelthorne administrative area.

6.0 SUSTAINABLE DEVELOPMENT

6.1

Section 2 of the NPPF identifies that the purpose of the planning system is to contribute to the achievement of sustainable development. It is noted at paragraph 8 that *“Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the development objectives). These three objectives, and the ways in which the proposed development is considered to respond, are as follows:*

- a) *An economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
 - The Site comprises previously developed and currently vacant land, and the proposals present the opportunity to reuse the resource of the land in an appropriate way.
 - A detailed assessment of the current amount of consented permanent floorspace on the Site has been undertaken, and this has impacted the proposed quantum of development for which planning permission is sought.
 - The proposed development will generate direct and indirect economic outputs throughout the construction process.
 - It is anticipated that the proposed development will result in an increase in local spending, both over the construction period and as a consequence of the final development.
- b) *A social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being;*
 - The Site is in a suitable location for housing developments, and future residents will have the option of sustainable modes of transport to access local services.
 - The proposed development includes well-planned areas of fully accessible open space, and accessible routes for pedestrian and cyclists through and into the Site.
 - The proposed development seeks to provide a range of housing sizes, including family sized units, as well as affordable housing. All homes are to be provided with dedicated car parking spaces, and facilities for cycle parking, as well as private gardens.
- c) *An environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*
 - The proposed development offers the opportunity to control the environmental quality of the Site, as well as to deliver significant landscape enhancements and the provision of a large area of fully accessible open space.

- The proposed housing development is a more appropriate use for the site having regard to its close relationship with a neighbouring residential area. The development will remove the potential for the occurrence of adverse environmental conditions.
- Currently the site is of poor environmental standard with a range of basic commercial buildings, open storage uses and aggregates recycling facility. Part of the development site also requires remediation. Redevelopment for high quality, energy efficient housing and care facilities would therefore have a significant environmental benefit.
- The site offers the opportunity to enhance the natural environment through improved green infrastructure. The application proposal includes substantial areas of open space (which will be publicly accessible) and a landscaping strategy which will give rise to significant environmental gains, including biodiversity improvements.

6.2 Furthermore, in locational terms, the application site provides a sustainable location for housing development for the following reasons:

- Provision of a beneficial pedestrian crossing over Upper Halliford Road will enhance the sustainability of the site in access terms. This part of the Proposal has been requested by the Council in the emerging Local Plan. An additional pedestrian access will be provided for residents from the south to access the public open space;
- There are supporting services and infrastructure within the surrounding area, including transport links; and
- The Site is unconstrained by matters such as flood risk or any other environmental constraints of significance.

6.3 Finally the NPPF supports redevelopment of previously developed land within the Green Belt. Accordingly the proposed housing development is a sustainable development proposition in principle.

Sustainability Conclusions

6.4 On this basis it is considered that the proposed development comprises accords with the core principles of sustainable development identified in adopted and emerging Local Plan and the NPPF.

7.0 GREEN BELT MATTERS

- 7.1 This Section assesses the proposal against Green Belt policy considerations. Part d of Paragraph 11 within the NPPF confirms that a presumption in favour of sustainable development applies to decision making where the relevant development plan policies are out of date. As confirmed in Section 5, Spelthorne cannot demonstrate a 5 year housing land supply and hence the policies of the development plan are out of date.
- 7.2 Paragraph 11d (i) confirms that the above presumption applies where there would be no conflict with NPPF policies concerning the protection of assets of particular importance. In this case the relevant considerations under 11d (i) are policies concerning development in the Green Belt.
- 7.3 Paragraph 147 of the NPPF state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 7.4 Part g of Paragraph 149 confirms that the complete redevelopment and limited infilling of previously developed land within the Green Belt would not be “inappropriate” where there would be no greater impact on the openness of the Green Belt than existing. Furthermore, redevelopment of previously developed land that would deliver affordable housing on land within the Green Belt which would contribute to meeting an identified need is regarded as “appropriate” where the harm would not be “substantial”. In other words, development that delivers affordable housing is not deemed “inappropriate” provided that the impact on openness is not substantial.
- 7.5 In this case, therefore, the presumption in favour of granting planning permission applies unless there is a clear reason not to do so having regard to the level of harm on openness on the Green Belt. Accordingly, this Section provides justification for the application proposal having regard principally to the impact of the proposed development on openness. Further, weight should be applied to the Site’s draft allocation which identifies the Site for release from the Green Belt and allocated for new housing development.

Impact on Openness of Green Belt

- 7.6 Annex 2 of the NPPF provides the following definition of previously developed land to assist with the application of planning policies:
- “Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape”.***
- 7.7 The emboldened sentence above (our emphasis) is relevant in this case as it is common ground between the Applicant and the Council that the application site includes a significant area occupied by permanent buildings and curtilage hardstanding which falls within the Annex 2 definition of previously developed land.
- 7.8 As described in Section 2 the developed components of the Site are permanent and fall within the definition of previously developed land. This has been confirmed by the 2021 appeal decisions and previously by the Council in historic planning applications at the site, as well as documents which form part of the emerging Local Plan evidence base (including Stage 1 and Stage 2 Green Belt Review, Officer Site Assessments and

Strategic Housing Land Availability Assessment). This conclusion was also reached by the Inspector for the Basildon appeal in respect of the relationship of the paddocks to the developed stables and the proposals were found not to be inappropriate by constituting an exception under NPPF Paragraph 149g.

7.9 The relevant legal authority on the question of openness is Turner¹ where the Court of Appeal found that:

“The concept of “openness of the Green Belt” is not narrowly limited to the volumetric approach suggested by Mr Rudd. The word “openness” is open-textured and a number of factors are capable of being relevant when it comes to the particular facts of a specific case. Prominent amongst these will be factors relevant to how built up the Green Belt is now and how built up it would be if redevelopment occurs (in the context of which, volumetric matters may be a material concern, but are by no means the only one) and factors relevant to the visual impact on the aspect of openness which the Green Belt presents.”

7.10 In considering the impact of the application proposals it is therefore necessary to consider all aspects of the existing site which currently detract from the openness of the Green Belt. This includes the existing buildings and their curtilages, boundary treatment and substantial areas of purpose built hardstanding with associated lighting and other paraphernalia. Other factors include site topography and established trees and landscaping. The Application Site includes a variety of buildings in mixed commercial use; extensive areas of open storage which are intensively used to store vehicles of varying types and sizes and other materials; and the aggregates recycling facility with associated access, earth bunds and machinery.

7.11 Having regard to the above considerations and the proposed approach to redeveloping the site, as set out in Section 4, we consider that the application proposals are an appropriate form of development, in principle, for the reasons set out below:

- 1) The proposed development is focused on the previously developed part of the site and will involve replacement of the mixed commercial land and buildings and removal of the aggregates recycling facility. By focusing new development along Upper Halliford Road, in the eastern part of the site closest to the urban area and returning the recycling area to a natural state there will be a net improvement to the openness of the Green Belt.
- 2) The extent of built development has been carefully contained in the south east corner of the site to intentionally direct the new development to take place on primarily brownfield land. This allows for a greater amount of land to be returned to the Green Belt as part of the Strategic Gap element, and thus, a net improvement in terms of openness.
- 3) The proposed landscaping masterplan provides for retention or replacement of existing boundary landscaping which would be held in the control of a management company. Additional planting is proposed within the public open space and the housing area which would also be maintained and managed privately. This will ensure that views into the site from the wider surrounding area remain limited. This is confirmed by the Landscape and Visual Impact Assessment which reinforces that the visual impact of the proposed development verse the existing is negligible and there will be a beneficial impact from the development.
- 4) The application proposal proposes a total of 8,541 sqm of hardstanding. This presents a 10.6% reduction in hard standing area from the existing amount of 9,503 sqm. The remaining areas will be landscaped and therefore will have a consequential visual improvement.
- 5) There will be a 6.7% increase in the amount of green space following removal of buildings, hardstanding infrastructure and the aggregates recycling facility and access (33,110sqm existing compared to 35,337 sqm proposed). The additional green space will enhance and soften the setting

¹ John Turner v. Secretary of State for Communities and Local Government and East Dorset District Council [2016] EWCA Civ 466

of permanent structures and therefore improve the visual relationship of the site with surrounding Green Belt.

- 6) The scheme includes provision of affordable housing for which the Council has identified there is a significant need. 50% affordable housing is proposed which exceeds the Council's 40% target expressed within the Core Strategy and complies with the 50% requirement within the draft site allocation HS1/009 within the emerging Local Plan and delivering for the Council's tenure aspirations in draft policy. When considering the above analysis, the impact of the proposed housing development is not "substantial" and hence should be regarded as an appropriate form of development within the Green Belt.

7.12 A recent appeal decision in London Borough of Bromley concerning a residential development of 151 residential units on a site known as Dylon International, Lower Sydenham bears many similarities to the current proposals (App Ref: APP/G5180/W/18/3206569). The site is located within Metropolitan Open Land (so is subject to Green Belt policies) and partly comprises brownfield land and a large area of open space. In considering this appeal, the Inspector accepted that the proposed scheme resulted in *"less site coverage than the historic use as such would not have a greater impact on openness"*. In terms of views of the buildings, the impact was to be mitigated by the level of existing screening, its setting below the skyline and the gaps between the buildings. The circumstances of the Bugle Nurseries site are consistent with this scheme as outlined above, where openness was considered to be retained.

7.13 We also reiterate the conclusion reached by the Inspector in allowing appeal 3268861, specifically that the proposal would "still retain a sense of openness". This conclusion must equally apply to the application proposals given the development would retain substantial open space, and crucially, provides a strategic gap between the site and development to the north.

7.14 On this basis the proposed development comprises an appropriate form of development in principle which would enhance the openness of the Green Belt having regard to the existing circumstances of the site, the quantum and scale of development proposed, the substantial areas of open space to be provided and the proposed landscaping strategy.

7.15 In light of the above, the application proposals are an appropriate form of development that would have no greater impact on the openness of the Green Belt and, on the basis that they would deliver affordable housing, would certainly fall well below the threshold of substantial impact. The development therefore does not conflict with the provisions of NPPF 149 (g) and, in the absence of a 5 year housing land supply, the presumption in favour of granting planning permission applies.

Material Considerations

7.16 In the event that the Council takes an alternative view in relation to the degree of impact, it would be possible in accordance with Paragraph 148 of the NPPF to consider if there are "very special circumstances" that would outweigh the harm having regard to the individual merits of the proposal that should be afforded weight as material considerations.

7.17 There is no definitive guidance as to what would constitute "very special circumstances". Case law has clarified that circumstances do not need to be rare or uncommon to be "special"² and there are no restrictions on what might be regarded to be such a consideration³.

² Wychavon DC v Secretary of State for Communities and Local Government and Butler [2008] EWCA Civ 692
³ Brentwood Borough Council v Secretary of State for the Environment [1996] 72 P&CR 61

- 7.18 Whilst it should not be necessary to consider the “very special circumstances” in relation to the current proposals for the reasons set out above, the following factors can be regarded by the Council to be significant material considerations amounting to “very special circumstances” which would weigh in favour of the application.

Housing Delivery

- 7.19 Further to the 2018/2019 updates to the NPPG and the recent appeal decision in London Borough of Bromley for the Dylon International Site⁴ the weight that can be afforded to the delivery of housing (and affordable housing) in areas where there is a significant shortfall of supply and an acute need has increased in the consideration of development of previously developed Green Belt sites. In respect of the Dylon case the Inspector gave very substantial weight to the delivery of housing on the previously developed part of the site as a material consideration forming the “very special circumstances” due the Government’s desire to address the housing shortage, the lack of a 5 year housing land supply and the considerable need for market housing and affordable homes in the local authority area (Paragraphs 32-35).
- 7.20 A key material consideration which, having regard to the above, can be afforded weight in favour of the proposed development is the delivery of housing. The Green Belt places a considerable restriction on the delivery of larger housing schemes within the Spelthorne to address the need and therefore has resulted in the Council having to bring forward Green Belt sites for development in attempt to address years of under-delivery, increase much needed affordable housing, as per stated within the Pre-Submission Publication Version of the Local Plan (April 2022). As a result, and in support of this Application, the emerging Local Plan has identified the Site to be released from the Green Belt and allocated for new housing development, under draft site allocation reference: HS1/009.
- 7.21 Further, the most pressing need within Spelthorne is therefore for new housing, including affordable housing. The Proposed Development sought within this Application will assist the Council in meeting their affordable housing targets, at which there is an acute identified need, throughout the Borough. It will optimise the potential of the site for housing whilst delivering environmental improvements along with social and economic benefits. This will be achieved by providing affordable tenures in accordance with the draft Plan, specifically 75% affordable/social rent and 25% intermediate as a First Homes product.
- 7.22 Also, at present the Council cannot demonstrate a 5 year housing land supply against the objectively assessed housing need. The release of the Site from the Green Belt will positively contribute to the Council’s ability to demonstrate a 5 year housing land supply.
- 7.23 The current proposals are therefore of strategic significance in terms of addressing the need for new housing and affordable housing by providing 40 affordable homes, with 30 units for affordable/social rent and 10 units for First Homes. This exceeds the 40% target within adopted policy and complies with the 50% target set out in the draft site allocation and the emerging Local Plan.
- 7.24 The delivery of mixed tenure housing is a significant material consideration which weighs in favour of the application proposal. The updated NPPG and Dylon appeal decision have clarified that additional weight can be afforded to the provision of housing and affordable housing on previously developed Green Belt sites where there is a significant shortfall in supply and an acute need for affordable homes. This applies to the supply position in Spelthorne and hence significant weight should be afforded to the proposed delivery of housing (including affordable housing) at the application site alongside the other material considerations.

⁴ Appeal Reference: APP/G5180/W/18/3206569

The benefits to the overall supply of housing and affordable housing delivery are greater under this application than the allowed appeal which would only provide 31 units (16 affordable homes) if delivered.

Removal of Bad Neighbour Uses

- 7.25 The Site is currently occupied by a variety of commercial operations including a lawful aggregate recycling facility. Because the uses have evolved over time they are not subject to planning controls that would normally be applied to such uses. None of the properties are therefore restricted in terms of use, hours of operation, access arrangements or other environmental controls.
- 7.26 The Site lies adjacent to residential properties to the south. Given the close relationship of these properties with the estate and the absence of any planning restrictions over the commercial uses, there is significant potential for the occurrence of adverse environmental conditions. Indeed there have been a number of complaints and investigations regarding the impact of operations at the site on nearby residents. Bugle Nurseries is therefore an inappropriately located industrial site.
- 7.27 Vehicular access to the Site is also unrestricted. Currently the commercial uses are accessed via Upper Halliford Road. Existing operations generate considerable amounts of daily traffic movements as evidenced within the Transport Statement. Due to the nature of existing uses at the site this includes HGVs as well as smaller commercial vehicles. The proposal seeks the removal of the aggregate recycling facility and other commercial uses and replace them with more appropriate residential uses. Therefore the existing vehicular activity associated with the Site will be removed and this will provide significantly improved environmental conditions for local residents.
- 7.28 The application proposal will therefore result in comprehensive redevelopment of the site for residential uses which is a more appropriate form of development than the existing mixed commercial uses. This will significantly improve environmental conditions for existing residents adjacent to the site. This is one of the material considerations that contributes to the “very special circumstances” in favour of the application proposal. The appeal decision establishes that at least moderate weight should be attached to this consideration.

Remediation

- 7.29 The application site has been subject to detailed ground investigations include Phase 1 and Phase 2 assessments. It has been identified that, due to historic uses of the site, part of the land subject to the proposed housing development is contaminated. Details of the ground conditions and necessary remediation strategy are set out within the assessments.
- 7.30 Remediation of the contaminated land is a significant environmental benefit of the proposal. Such measures will only take place if the site is redeveloped for housing. Accordingly, this to be a one of the “very special circumstances” in favour of the proposal. The previous appeal Inspector concluded that this should be afforded moderate weight as a consideration.

Regeneration

- 7.31 The application site is occupied by a variety of buildings of a mixed quality including numerous poor quality commercial premises. Consequently the site is of extremely low quality in visual and environmental terms and has negative effect on the character and openness of the Green Belt.

7.32 The Site is therefore in clear need of regeneration and offers the opportunity for substantial environmental improvement through provision of high quality energy efficient buildings, remediation, enhancement of green infrastructure and improvement to the natural landscape. The recycling and regeneration of poor quality land for a more appropriate form of development is therefore one of the “very special circumstances” in support of the application proposals and according to the appeal decision, at least of moderate weight.

Provision of Public Open Space

7.33 The proposal will restore a substantial area of open space within the western part of the site. It is intended that this area will be publicly accessible, which is a considerable benefit to the community on land which is currently private and inaccessible. This will provide environmental and recreational benefits that would be a significant amenity for the wider community, particularly given the proposal would restore and landscape the land. Gated access will also be provided for pedestrians along the site’s southern border. This accords fully with Paragraph 145 of the NPPF which supports planning positively for such beneficial uses, such as providing access, retain and enhance landscapes, visual amenity and biodiversity and to improve damaged and derelict land in the Green Belt. Furthermore, as demonstrated by the submitted LVIA as a result of the landscaping proposals put forward, and the very poor existing site conditions, there will be a beneficial landscape impact from the development.

7.34 Reverting back to the Dylon International appeal decision the Inspector expressed that “*very significant weight*” was to be attached to the beneficial provision of public open space in weighing up the overall harm to the Green Belt. It is logical to suggest that a similar weight should be attached to the provision of public open space on this site. This is considered a substantial benefit of the proposal, which must at least attract moderate weight as found by the Inspector in the previous appeal decision.

Provision of a Strategic Gap

7.35 These proposals will provide a substantial area of publicly accessible open space, that serves an important to maintain the northern development boundary. This serves a further purpose as a strategic gap to retain and enhance the Green Belt function by providing a permanent, defensible boundary. At its narrowest point the buffer measures 50 metres fronting Upper Halliford Road, as sought by the draft site allocation. This has regard to Paragraph 143 of the NPPF which requires that plans should not include land which it is unnecessary to keep permanently open, but also that the boundaries will not need to be altered at the end of the Plan period.

7.36 The strategic gap was not proposed under previous schemes, including the appeal scheme that was allowed. Were the Applicant to implement the 31 unit scheme, which has consent for a ribbon of development along the site frontage, this would in effect linking development south and north of the site. Accordingly would be no opportunity to provide a strategic gap in this part of the Borough, which would be strengthened by this application seeking to demolish the existing bungalow located in the proposed strategic gap corridor.

7.37 Accordingly securing the strategic cap under this application in order to provide a permanent Green Belt boundary, whilst also supporting Green Belt purposes, is a further material consideration of significant weight.

Local Community Views

7.38 There were a number representations submitted by third parties in respect of the first planning application in response to the Council’s statutory consultation. These submissions were made in addition to comments

recorded at the pre-application stage (as set out within the Statement of Community Engagement). An analysis of the application responses and previously completed events demonstrates that:

- 12 third party representations received of which 75% did not oppose the proposals;
- 91% of respondents supported the release of the site from the Green Belt; and
- 1 local residents group, Shepperton Residents Association ("SRA"), is supportive.

7.39 This level of support is a significant material consideration in respect of the proposals. The clear desire to see the site redeveloped for mixed housing uses was compelling enough to stimulate multiple letters of support in this case. The SRA has around 2,000 members and represents a much wider group of residents in the Shepperton Area. The SRA support should therefore be duly regarded as a collective view of the local community.

7.40 An analysis of the supporting comments explains the basis on which the local community regards the development to be beneficial having regard to the specific circumstances of the site. It is clear from the representations that the respondents:

- Understand that the site is located within the Green Belt;
- Have specific knowledge of the site its various uses;
- Understand the proposals;
- Have a specific interest in the future of the site;

7.41 The detailed comments can be categorised as follows;

Improvements to general environment of the site and locality	10 positive comments
Removing the sit from the Green Belt	10 positive comments
Transport and highways improvements including improved conditions for pedestrians	10 positive comments

7.42 The expression of these independent views by multiple third parties, including the SRA representing the local community as a whole, adds significant weight to the very special circumstances identified above. It is considered that these views are still relevant in the case of this proposal.

7.43 The local community affords a high degree of importance to the direct improvements to local amenity, environmental conditions, highway conditions, local housing provision and economic gains that would arise from the regeneration of this site. This reinforces the weight that should be attributed to these material considerations in applying the planning balance. It is clear that the local community shares our view that the material benefits of the development would outweigh any harm.

7.44 Accordingly, whilst we do not consider that the application proposals represent an inappropriate form of development in the Green Belt there are, in any event, clear material considerations which weigh significantly in favour of granting planning permission.

Impact on Purposes of Green Belt

7.45

It is not a requirement of planning policy to assess the impact of the application proposals on the five purposes of the Green Belt identified in Section 5 of this Statement. Having regard to the particular characteristics of the Site and by reference to the conclusions of the LVIA, the revised proposals would not conflict with these principles as set out below:

Objective 1: To prevent urban sprawl – The proposed scheme is well contained and relates to land that has already been developed. It would therefore not result in urban sprawl. Upper Halliford Village is located to the south of the Site the area extends northwards along Upper Halliford Road towards Upper Halliford station. The Site lies roughly midway between these points. It contains previously developed land and does not provide a clear separation between the housing areas to the north and south of it.

Objective 2: To prevent merging settlements – the Upper Halliford area is continuous from the village to the railway station, as such the Site, which is located between the two and is previously developed, does nothing to prevent the merging of settlements. The proposal will deliver a strategic gap as a significant benefit of the proposals. The M3 and adjacent land provides a physical barrier which separates Sunbury from Upper Halliford.

Objective 3: To safeguard encroachment on the countryside - There would be no encroachment on the surrounding countryside as the proposal is focused on the previously developed part of the site. The extent of built development across the site has also been limited under this proposal to reinforce this and is contained within the south eastern part of the site. The remainder of the site is to be secured as open space.

Objective 4: To preserve the setting and special character of historic towns – Upper Halliford is not a historic town. There are also no historic towns in the wider area that would be affected by the application proposal.

Objective 5: To assist regeneration, encouraging the recycling of derelict and other urban land – a large proportion of the application site is previously developed land on the edge of the urban area which would benefit from improvement. The proposed development is focused on the previously developed area and will be a natural extension from the residential development to the south. The previously developed land consists of commercial buildings which are in dire need of repair and remediation. The proposals will deliver a high quality residential scheme in replace of these building as well as new landscaping throughout the development. The remainder of the site will be left open thereby improving the character and openness of the Green Belt, whilst providing the Strategic Gap between the new development and the Green Belt to the west, which is one of the Council's strategic objectives. This area has been included within the application boundary to secure these benefits. The proposals would therefore not conflict with this objective or other provisions of Green Belt policy which support beneficial re-development of brownfield sites. Approval of the proposed housing development would also not prevent the Council from safeguarding this objective on other Green Belt sites.

7.46

The Council have undergone Green belt reviews during the progression of the Local Plan at which the Applicant has participated at all relevant stages to date in respect of the consideration of the Bugle Nurseries site. Central to the representations has been the clear distinction that can be made between the developed part of the Bugle Nurseries and the rest of the Site. When assessed independently of the larger parcel, the previously developed part of Bugle Nurseries does not meet the five purposes of the Green Belt and is therefore poorly performing.

7.47 On this basis, the Proposal which is focused on the brownfield part of the site and enhancing the open green space, to be made publicly accessible, would not conflict with the five identified purposes of the Green Belt. As stated above, it will ensure the Strategic Gap is maintained.

Summary of Justification for Development within the Green Belt

7.48 The proposed housing development is focused on previously developed land within the Green Belt where the NPPF is permissive of total redevelopment and infilling where there would be no greater impact on the openness of the Green Belt. Spelthorne does not have a 5 year housing land supply and hence Paragraph 11 of the NPPF is engaged and the presumption in favour of sustainable development applies where, in this case, there would be no conflict with Paragraph 149g concerning development in the Green Belt on previously developed land.

7.49 We have demonstrated that the revised proposal would not be an inappropriate form of development in the Green Belt, being focused on the redevelopment and infilling of the previously developed part of the site for sensitively designed housing, to include affordable accommodation, and providing an extensive area of open space following the removal of the recycling facility that would not have a greater impact on the openness of the Green Belt and certainly not a substantial impact. Accordingly there would be no conflict with Paragraph 149g and the presumption in favour of granting planning permission applies.

7.50 We have also demonstrated that should the Council reach an alternative view over the degree of impact on openness that there are clear material considerations relating to the delivery of high quality housing and affordable accommodation in an area of acute need, removal of bad neighbour uses, remediation of contaminated land, provision of extensive public open space and restoration of a poor quality Green Belt site. The local community places a high degree of importance on these factors and shares the view that the benefits of the development outweigh any harm. These factors amount to “very special circumstances” that weigh in favour of the grant of planning permission.

7.51 On this basis, the proposal is appropriate to the Green Belt comprising the redevelopment and infilling of a previously developed site and there are compendium of “very special circumstances” which weigh in favour of the development. On this basis the application complies with the provisions of the NPPF and the statutory development (Policy DM17) and part 3) of draft Policy E1 in the emerging Local Plan, in respect of Green Belt considerations.

7.52 Whilst it is not a policy requirement we have also demonstrated that the proposed development would not conflict with the purposes of including land within the Green Belt by comparison to the existing situation.

7.53 On this basis the application complies with the provisions of the NPPF in respect of Green Belt considerations which take precedence over the provisions of the Development Plan and the presumption in favour of granting planning permission applies.

7.54 Further, we note that the Site has been identified for release from the Green Belt within the Pre-Submission Publication Version of the Local Plan, under draft site allocation HS1/009. The Local Plan and the policies and allocations within it are yet to be adopted. Notwithstanding this and as discussed above, weight can be given to the draft site allocation as paragraph 48 of the NPPF states that local planning authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given).

7.55 This was the firm conclusion reached by the Basildon Inspector in giving weight to a site allocation in a draft, withdrawn Local Plan which is highly relevant to the Bugle Nurseries proposals. In this appeal the Inspector

found it relevant that the site in question was found to be suitable for development and for withdrawal from the Green Belt, and that the Council's Action Plan relied on adoption of the Plan to improve the Council's housing land supply position.

7.56

This is a further material consideration to note for Bugle Nurseries, particularly the Council's direction of travel and intention to remove the site from the Green Belt and to allocate Bugle Nurseries for at least 79 units in a layout and scale shown by these proposals. Also relevant is Spethorne's reliance on housing development being achieved through Green Belt release as part of its draft Local Plan strategy.

8.0 OTHER PLANNING POLICY MATTERS

- 8.1 The remaining parts of this Statement deal with other planning policy matters applicable to the proposed development. As stated above the development plan is out of date in the absence of a 5 year housing land supply and hence the provisions of NPPF Paragraph 11d are engaged for the purposes of this assessment. This establishes the presumption in favour of granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole. The assessment is carried out below by reference also to the relevant policies of the development plan despite the diminished weight that can be afforded to them.

Housing Considerations

- 8.2 Outline planning permission is sought for up to 80 homes (or 79 net homes as the proposals will result in the demolition of the existing bungalow) to include 1, 2, 3 and 4 bedroom properties including flats and houses. This will make a significant contribution towards the strategic housing requirement set out within the Core Strategy and the supply of deliverable housing sites within the Borough.
- 8.3 Whilst the layout of the housing development is a reserved matter the development area and siting of the units are for approval as shown by the accompanying parameter plans. The illustrative layout plans show how a housing development could be accommodated within these parameters whilst providing a mix of units, exceeding the national space standards, providing sufficient car/cycle parking in line with adopted parking standards and provision of adequate private amenity space for individual dwellings.
- 8.4 The net density of development is appropriate to the site given its location on the edge of the urban area and adjacent to existing housing of a similar density.
- 8.5 There is a need for affordable housing provision within the Borough. The Core Strategy sets a target of 40% of all net additional homes to be affordable homes. The application is made on the basis that 50% will be affordable which will be secured by Section 106 agreement and exceeds the Council's adopted policy requirement.
- 8.6 The revised proposals comprises a mix of 1, 2, 3 and 4 bed units and is therefore in line with the Council's local policy which requires a mix of housing types and sizes, set out at Core Strategic Policy SP2 (Housing Provision) and draft Policy H1 (Homes for All) within the emerging Local Plan. Further, in accordance with Policy HO4 of the Development Plan and the Housing Size and Type SPD the proportion of smaller 1 and 2 bed units proposed is greater, the table below shows the percentage of each unit type:

Unit Type	Number of Units	Ratio
1 bed maisonette	18	22%
2 bed maisonette	6	8%
2 bed house	11	14%
3 bed house	34	42%
4 bed house	11	14%
Total unit no.	80	100%

- 8.7 On this basis the application proposal will contribute to the housing objectives of the development plan including the provision of affordable housing in line with Core Strategy policies HO3 and HO4. In accordance with the development plan and the NPPF it will provide for high quality housing which accords with relevant standards and makes most efficient use of the site in a manner that is appropriate to the location.

Proposed Amenity Space

- 8.8 In respect of amenity space, the Council's standards for flats requires 35 sqm per unit for the first 5 units, 10 sqm for the next 5 units and 5 sqm per unit thereafter. All units meet the Council's private amenity space requirements, in addition to the extensive areas of public open space that are accessible for all residents. Accordingly the minimum provisions of the SPD have been exceeded and the development would comply with Policy EN1 in this respect.

Design and Layout

- 8.9 The Design and Access Statement, together with the landscaping masterplan, explains the overall design philosophy which focuses the development on the previously developed part of the Site closest to the eastern edge of the Site and existing urban area. The existing buildings and structures will be demolished to enable new development on the eastern part of the Site. The western part of the Site will be landscaped and forms part of an extensive area of open space in the western part of the site which extends to Upper Halliford Road.
- 8.10 Existing mature boundary treatment is to be retained where possible or replaced in order ensure that views of the development from the surrounding area are limited. The comprehensive landscaping scheme will include appropriate planting alongside key roads ensuring an appropriate transition between the residential area and the open space whilst creating an attractive living environment for future residents and a high quality, informal recreational facility for public use. This open space will be complimented by a play facility for children close to the housing.
- 8.11 The appearance and landscaping of the proposed housing are reserved matters. However, the indicative scheme and elevations demonstrate that high quality housing of an appropriate design can be accommodated within the parameters of the proposed developable area and is of an appropriate scale having regard to local context. The proposed housing development would be typical domestic scale over two storeys. The maisonettes are not considerably greater than the proposed houses from a height and massing perspective, as demonstrated within the parameter heights explained previously.
- 8.12 Accordingly, the application proposal is well conceived in terms of the principles of urban design and layout. It therefore accords with the principles of high quality design required by Policy EN1 and draft Policy DS1 in the emerging Local Plan.

Highways

- 8.13 The application proposal is supported by a Transport Statement prepared by Mayer Brown. This demonstrates that the proposed access from Upper Halliford Road is suitable and that the development is acceptable in terms of traffic generation and highway safety. It also demonstrates that the site is a sustainable location for the proposed housing use and that the development would accord with the Council's adopted parking standards.
- 8.14 As previously stated, the Transport Statement also identifies that there will be a beneficial reduction in larger commercial traffic movements associated with the existing uses.

- 8.15 Further to feedback from local residents, proposals to create a pedestrian crossing over Upper Halliford Road have been refined and discussed with the highway authority (Surrey County Council). The application proposal includes a detailed crossing arrangement north of the site access which can be secured as a Section 106 planning obligation. This is material benefit of the scheme that will enhance sustainability of the site in access terms.
- 8.16 This Application is accompanied by a Framework Travel Plan, prepared by Mayor Brown, which sets out a long-term strategy for facilitating and encouraging travel to the Site by sustainable modes of transport. The framework Travel Plan comprises of a mix of measures to encourage sustainable travel to provide residents and visitors with all the information required to make sustainable travel choices. The Framework identifies that the Applicant will appoint a Travel Plan Co-Ordinator prior to the occupation of the Development to manage travel planning at the Site.
- 8.17 It is envisaged that a full Travel Plan will be secured via a Planning Condition.
- 8.18 On this basis, the application proposal is acceptable in highways terms in line with Core Strategy Policy CC2 and CC3 and associated standards and the NPPF.

Flooding and Drainage Considerations

- 8.19 The site is within Flood Zone 1 and therefore housing development is acceptable in principle. Due to the size of the proposed residential scheme (i.e. site area greater than 1ha) a Flood Risk Assessment has been carried out. This includes an assessment of a sustainable urban drainage strategy which is a material consideration.
- 8.20 The Flood Risk Assessment demonstrates that the proposed housing development would not be subject to adverse flooding conditions or give rise to increased flooding impacts elsewhere. There is scope within the site to accommodate foul and surface water drainage facilities. This includes provision of sustainable urban drainage, to accommodate run off water through the provision of permeable surfaces and a below ground attenuation system beneath the play area.
- 8.21 All sources of flooding have therefore been considered and it has been demonstrated that potential flood risk from the development is low. There would therefore be no conflict with the development plan or the NPPF.

Ground Conditions

- 8.22 The application site has been subject to extensive ground conditions surveys including a Phase 1 desk based assessment and a Phase 2 intrusive investigation. This has identified areas of contaminated land that would be remediated in association with the proposed development in accordance with Core Strategy Policy EN15 and draft Policy E3 (Environmental Protection) within the emerging Local Plan.

Air Quality

- 8.23 In accordance with Policy E3 of the Core Strategy and draft Policy E3, an Air Quality Assessment has been undertaken to consider the potential effects on future residents and mitigation measures that are required.
- 8.24 The findings conclude that the Proposed Development does not raise any significant or other residual adverse impacts on the health and/or quality of life for existing neighbours as a result of any anticipated changes to air quality.

- 8.25 As a result, the Proposed Development fully complies with policies and guidance relating to air quality matters at all levels.

Trees

- 8.26 A landscaping masterplan has been submitted with the application and is fully explained within the Design and Access Statement.
- 8.27 A considerable amount of tree, hedge and flower planting is proposed as part of the revised Scheme as a boundary treatment, thus maintaining a distinguishable gap between the Application Site and the Green Belt. This will also protect and enhance the openness of the Green Belt. Further details in relations to tree matters and provided within the Arboricultural Impact Assessment and Arboricultural Survey, prepared by Delta Simons which have been submitted as part of this Application.
- 8.28 Accordingly, the impacts of the proposed development on the natural environment have been fully considered and the proposal accommodates measures to preserve, manage and enhance existing habitats, protected species and biodiversity features in accordance with Policy EN7 and EN8 of the Core Strategy and draft Policy E6 within the emerging Local Plan.

Historic Environment

- 8.29 The Application Site is not located within or close to a Conservation Area. There are no listed buildings on the site and the proposals will not affect the setting of any listed buildings nearby. There are no other heritage assets within the site or nearby that would be affected by the proposed development.
- 8.30 A desk based archaeological assessment has been carried out to assess the potential for impact on any matters of historic significance below ground level. The assessment has identified low potential for any features of archaeological significance.
- 8.31 Accordingly, the proposal would not have an impact on the historic environment and therefore accords with the provisions of Core Strategy Policy EN5, Local Plan Saved Policy BE25 and draft DS3 (Heritage and Conservation and Landscape) within the emerging Local Plan.

Impacts on Bat Populations

- 8.32 The proposal is supported by a Preliminary Ecological Appraisal and Bat Roost Potential Survey, as well as a Bat Survey Report, to understand the potential effects of the revised scheme on bats and other protected species. The assessments demonstrate that the provisions of Policy ENV 8 of the Core Strategy, the NPPF and draft Policy E6 (Biodiversity) are complied with and provide conclusive evidence that the Proposal would not affect bat populations in the vicinity.

CIL/Section 106

- 8.33 Spelthorne Council adopted a CIL charging schedule in December 2014. The Site falls within charging Zone 3 where a £60 per sqm is payable for residential development of scheme of more than 15 units to which Policy HO3 affordable housing policy applies. It is calculated on the basis of net additional floorspace to be provided. Therefore, existing commercial and residential floorspace can be deducted. Additionally the affordable housing component is exempt from the CIL tariff. The amount of CIL payable in respect of the proposed development will be calculated as part of a future reserved matters application.

- 8.34 Affordable housing and other contributions that may be directly related to the development and not covered by CIL (such as highway works) will be secured by Section 106.
- 8.35 Proposals to create a pedestrian crossing over Upper Halliford Road have been refined and discussed with the highway authority (Surrey County Council) and can be secured as a Section 106 planning obligation.

Compliance with the Draft Site Allocation

- 8.36 As explained in this Statement, the proposals are being brought forward to deliver a scheme which complies with the Council's emerging Local Plan and specifically the requirements of the draft site allocation. Below we demonstrate how this has been achieved.

Figure 2: Bugle Nurseries draft site allocation compliance

Compliance with Draft Site Allocation: HS1/009 - Bugle Nurseries, Upper Halliford Road	
Policy Requirement	Compliance
A mixed development of dwelling - houses and apartments on Part A	✓
Provision of a publicly accessible open space on the remainder of the site (Part B)	✓
The creation and maintenance of a buffer along the northern boundary of the site to retain and enhance the Green Belt function. The buffer should be no less than 50 meters and remain open and free of development. This should be continuous with the public open space to the rear of the site.	✓
Provision of a pedestrian crossing adjacent to the site on Upper Halliford Road	✓
50% Affordable Housing (75% Affordable Rent : 25% Affordable Home Ownership)	✓
The enhancement of boundary planting should be used as an opportunity to provide net gains in biodiversity. This will need to be demonstrated through appropriate habitat/species surveys and implementation of management plans.	✓
Strengthening of the adjacent Green Belt boundaries to retain its performance and strategic role adjacent to the site.	✓
Remediation of the existing waste transfer use on site.	✓

Include measures to mitigate the impact of development on the local road network and take account of impacts on the strategic road network as identified through a site-specific Travel Plan and Transport Assessment.	✓
Provide or contribute to any infrastructure as set out in the IDP and/or identified at the application stage which is necessary to make the site acceptable in planning terms.	✓
Maximise the use of Climate Change measures and renewable energy sources, in accordance with Policy DS2 to make buildings zero carbon where possible	✓

- 8.1 The above demonstrates that the proposals will deliver on the Council's preference for a coherent form of development that would establish a durable boundary to better quality, undeveloped Green Belt land that would be publicly accessible.

Other Planning Policies Conclusion

- 8.2 Having regard to the Application Site and the specific merits of the current application, we have demonstrated that the proposal represents beneficial regeneration of a poor quality site to provide a sensitively designed housing development in a landscaped setting that will deliver an appropriate mix of dwellings and affordable housing to meet identified needs, high quality public open space, including a new play space area and beneficial improvements to the local highway conditions. The development will not give rise to any adverse impacts relating to residential amenity, highways/transport, heritage, landscape, trees, ecology and flooding/drainage. The proposal therefore accords with the policy objectives of the Local Plan and NPPF.
- 8.3 Given that weight can be applied to draft policies within the emerging Local Plan as per para 48 of the NPPF, it is clear that the proposal is also in accordance with the draft site allocation and other relevant policies.

9.0 CONCLUSIONS

- 9.1 The Applicant is seeking outline planning permission for the redevelopment of Bugle Nurseries to provide up to 80 homes including 50% affordable housing, public open space and the creation of a strategic gap.
- 9.2 The site is located within the Metropolitan Green Belt, which has been identified for release within the emerging Local Plan. The proposed development is focused on the previously developed part of the site, and has been reduced in scale in order to respond to the Council's previous reservations regarding a perceived impact on openness. The previously development land is to be utilised through the delivery of new housing and is to be landscaped, including the provision of high quality green infrastructure such as tree, hedge and flower planting, contributing to biodiversity. Also, a large portion of green land will become publicly accessible and be of benefit to the residents. The open greenspace at the site will be significantly increased.
- 9.3 Having regard to the above and the core principles of sustainable development outlined in adopted, the emerging Local Plan and the NPPF, we have demonstrated the application proposals comprise a sustainable form of development.
- 9.4 The Application Site comprises previously developed land within the Green Belt where the NPPF is permissive of total redevelopment and infilling where there would be no greater impact on the openness of the Green Belt. Spelthorne do not have a 5 year housing land supply and the and hence Paragraph 11 of the NPPF is engaged and the presumption in favour of sustainable development applies where, in this case, there would be no conflict with Paragraph 149g of the NPPF concerning development in the Green Belt.
- 9.5 We have demonstrated that the proposal would not be an inappropriate form of development in the Green Belt having regard to the amount of green space being reprovided as part of the revised Scheme therefore maintain the strategic gap between the development and the Green Belt. On balance, the Proposed Development would not have a greater impact on the openness of the Green Belt and certainly not a substantial impact, particularly with the high quality landscaping improvements that is to be incorporated throughout the entire development.
- 9.6 We have also demonstrated that should the Council reach an alternative view over the degree of impact on openness that there are clear material considerations relating to the regeneration of the poor quality Site to deliver high quality housing and affordable accommodation in an area of acute need which consists of the removal of bad neighbour uses, remediation of contaminated land, provision of extensive public open space and restoration of a poor quality Green Belt site. The local community places a high degree of importance on these factors and shares the view that the benefits of the development outweigh any harm. These factors amount to "very special circumstances" that weigh in favour of the grant of planning permission.
- 9.7 Whilst not a policy requirement we have also demonstrated that the proposed development would not conflict with the purposes of including land within the Green Belt by comparison to the existing situation.
- 9.8 On this basis the application complies with the provisions of the NPPF in respect of Green Belt considerations which take president over the provisions of the Development Plan and the presumption in favour of granting planning permission applies.
- 9.9 Through consultation with officers and other key stakeholders, as well as local residents, developed a well-considered, technically sound and deliverable scheme for the currently vacant and previously developed site. The proposal represents beneficial regeneration of a poor quality site to provide a sensitively designed housing development in a landscaped setting that will deliver an appropriate mix of dwellings and affordable housing to meet identified needs, high quality public open space, beneficial improvements to the local highway conditions.

The development will not give rise to any significant adverse impacts relating to residential amenity, highways/transport, heritage, landscape, trees, ecology and flooding/drainage.

- 9.10 The impacts of the proposals would be limited and would be significantly and demonstrably outweighed by numerous and substantial benefits. Given the position of the statutory Development Plan in Spelthorne, and the situation regarding housing supply, the benefits of housing delivery, on balance, clearly outweigh any limited conflict. The proposals therefore will not give rise to any other adverse impacts that would outweigh the benefits when assessed against the policies of the NPPF as a whole and hence the presumption in favour of planning approval applies. There would also not be any would conflict with any adopted Development Plan policies despite their diminished weight.
- 9.11 The application site is a draft site allocation in the emerging Local Plan and this development proposal meets each of the site allocation requirements, including 50% affordable housing and the creation of a strategic gap to support the long term function of the Green Belt in this part of the Borough. This is a significant benefit of the development that would not be delivered were the extant scheme for 31 units to be delivered by the Applicant.
- 9.12 On this basis, in accordance with Section 38(6) of the 2004 Act and by reference to the presumption in favour of sustainable development set out within the NPPF, we would respectfully request that planning permission be granted for the proposed development.

APPENDICES

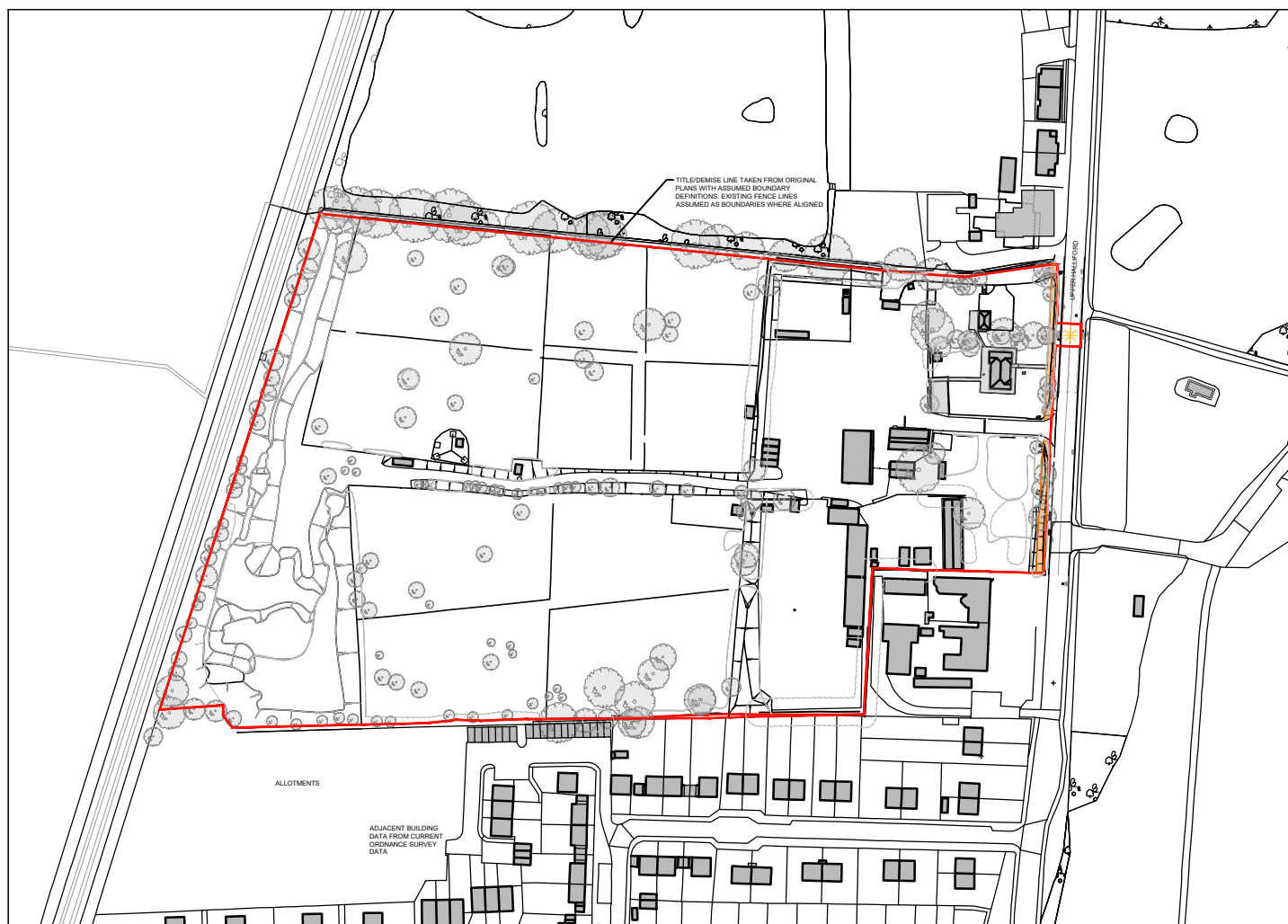
APPENDIX 1: SITE LOCATION PLAN

NOTES:

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— PROPERTY LINE

P1	02.11.22	ISSUED FOR PLANNING	ST	NH
No.	Date	Comment	Drawn	Chk'd
Revisions				

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planning

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Project
Bugle Nurseries
Shepperton - Surrey

Drawing Title
Site Location Plan

Issue Status
FOR INFORMATION

Drawn	Date	Scale @ A4	Alt. Ref.
MD	04.10.2018	1:2500	

tp bennett Project No.	Drawing Number	Rev
A12146	F2001	P1

APPENDIX 2: ILLUSTRATIVE LAYOUT



CLIENT

ANGLE PROPERTY (RLP SHEPPERTON) LLP

STRUCTURAL ENGINEER

SERVICES ENGINEER

CONSULTANT

KEY PLAN

NOTES:

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2 BED

3 BED

4 BED

MAISONETTE (1BED & 2BED)

GARAGE

CARPORT

ACCOMMODATION SCHEDULE

11 no. 2 Bed Houses

34 no. 3 Bed Houses

11 no. 4 Bed Houses

18 no. 1 Bed Maisonette

06 no. 2 Bed Maisonette

TOTAL NUMBER OF UNITS: 80

DENSITY

43 Dwellings per Hectare

Adopted Highway Land

Pedestrian Crossing

Site boundary

P1 02.11.22 ISSUED FOR PLANNING

ST NH

No. Date Comment

Drawn CHG

Revisions

Issue Status

FOR INFORMATION

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Project

BUGLE NURSERY

SHEPPERTON - SURREY

Drawing Title

INDICATIVE PROPOSED SITE PLAN

Drawn LRP

Date 22.07.2021

Scale @ A1 1:500

Alt. Ref.

tp bennett Project No.

Drawing Number

Rev

A12146

D 2100

P1

APPENDIX 3: BUGLE NURSERIES APPEAL DECISION

Appeal Decisions

Hearing Held on 25 May 2021

Site visit made on 27 May 2021

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th July 2021.

Appeal A Ref: APP/Z3635/W/20/3252420

Bugle Nurseries, 171 Upper Halliford Road, Shepperton TW17 8SN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Angle Property (RLP Shepperton) LLP against the decision of Spelthorne Borough Council.
 - The application Ref 19/01022/OUT, dated 23 July 2019, was refused by notice dated 13 November 2019.
 - The development proposed is outline application with all matters reserved other than 'access' for the demolition of existing buildings and structures and the redevelopment of the site for a residential-led development comprising up to 43 residential homes, a 62-bed care home and the provision of open space, plus associated works for landscaping, parking areas, pedestrian, cycle and vehicular routes.
-

Appeal B Ref: APP/Z3635/W/21/3268661

Bugle Nurseries, 171 Upper Halliford Road, Shepperton TW17 8SN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Angle Property (RLP Shepperton) LLP against the decision of Spelthorne Borough Council.
 - The application Ref 20/00123/OUT, dated 31 January 2020, was refused by notice dated 13 November 2020.
 - The development proposed is outline planning application with all matters reserved other than 'access' for the retention of existing dwelling and demolition of all other existing buildings and structures and the redevelopment of the site for up to 31 dwellings along with the provision of public open space and other associated works for landscaping, parking areas, pedestrian, cycle and vehicular routes.
-

Decisions

1. Appeal A is dismissed.
2. Appeal B is allowed and outline planning permission is granted for the retention of existing dwelling and demolition of all other existing buildings and structures and the redevelopment of the site for up to 31 dwellings along with the provision of public open space and other associated works for landscaping, parking areas, pedestrian, cycle and vehicular routes, on land at Bugle Nurseries, 171 Upper Halliford Road, Shepperton TW17 8SN, in accordance with planning application Ref 20/00123/OUT dated 31 January 2020, subject to the conditions in the attached schedule.

Preliminary Matters

3. Both appeal applications were submitted in outline with all detailed matters, except for access, reserved for a subsequent approval. Indicative layout plans were submitted to accompany both appeals. I have taken both these plans into account in so far as establishing whether or not it would be possible, in principle, to erect 43 residential homes and a 62-bed care home in relation to Appeal A, and 31 dwellings in relation to Appeal B.
4. The proposals are supported by a planning obligation in the form of a Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990. I have had regard to it in reaching my decision. As agreed between the parties, a completed version was submitted shortly after the hearing closed.
5. The appeal hearing was conducted as a Virtual Hearing.

Main Issues

6. The main issues in both appeals are:
 - Whether the proposals would be inappropriate development in the Green Belt, having regard to the openness of the Green Belt; and
 - If the developments are inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development

7. 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. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
8. The National Planning Policy Framework (the Framework) identifies that the construction of new buildings should be regarded as inappropriate development in the Green Belt, other than in respect of a limited range of specified exceptions. Paragraph 145(g) of the Framework identifies one of the exceptions to be limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), where it would not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.
9. Saved Policy GB1 of the Spelthorne Borough Local Plan 2001 (SBLP) identifies that development will not be permitted where it would conflict with the purposes of the Green Belt and fail to maintain its openness. The Policy identifies a number of uses that are considered not to be inappropriate in the Green Belt.
10. This Policy however pre-dates both the current Framework and the original 2012 version. Furthermore, whilst it shares some level of consistency with national Green Belt policy, it makes no reference to the balancing exercise

established in the Framework. As a result, due to a general lack of consistency and in line with Paragraph 213 of the Framework, I consider that this policy is out of date. It is my duty to determine the scheme in accordance with the development plan unless material considerations indicate otherwise. However, where there is inconsistency between the SBLP and the exceptions identified in Paragraph 145 of the Framework, the Framework attracts more weight.

11. It was agreed between the parties that in terms of the exception identified in Paragraph 145 (g) both appeals fell to be considered as proposals that would deliver complete redevelopment of the appeal site and against the second test as set out in the Paragraph. I would concur with this view.
12. It was common ground between the parties that both proposals would deliver a policy compliant level of affordable housing. As such, they would contribute to meeting an identified affordable housing need within the area. From my own assessment of both proposals, I have no reason to disagree with this conclusion.
13. With regards to previously developed land, it was common ground between the parties that a substantial proportion of those parts of the site to be redeveloped, would meet the definition as identified in the Glossary to the Framework. There were, however, disagreements over a number of specific elements. This related to the land around the existing bungalow and the land to the south of the existing access.
14. In terms of the appeal proposals, Appeal A would involve new development on all these areas, whereas Appeal B would keep these areas free from development, with the exception of a small strip of land, immediately to the south of the existing access road to be used to provide a widened access into the site. This element would be common to both proposals.
15. It was agreed that the western parcels of the site, with the exception of the former Waste Transfer Station, were not previously developed. I would concur with this position.
16. From my visit, it is clear that the bungalow and its associated outbuildings comprise previously developed land as defined by the Framework. In terms of its surrounding garden area, I note the exceptions within the definition exclude land in built-up areas, such as residential gardens. No definition is provided as to what constitutes a built-up area.
17. In this case, whilst the site is identified as lying outside the settlement boundary, given the nature of surrounding development and activity, I consider that the surrounding area is built-up. As such, I therefore find that the garden area surrounding the existing bungalow does not meet the definition of previously developed land as set out in the Glossary to the Framework.
18. In respect of the land to the south of the access, it is separated from the bungalow and its garden area by the existing access and as such, clearly lies outside its curtilage. Furthermore, it displays a very different character to the majority of the appeal site, with evidence of a former agricultural use, although there are parts where the activity from the main use of the site has spilled out into this area. Notwithstanding this, I do not find that it falls within the curtilage of the main site either. As a result, I therefore conclude that the

southern portion of the site, adjacent to the road, does not constitute previously developed land.

19. To my mind, because of the lack of demarcation or enclosure, this conclusion would also include the area of land, immediately to the south of the access road that would be used, in both appeals, to provide the widened access road.
20. Drawing all this together, I find that neither proposal would be located entirely on previously developed land. Although, in this respect, the amount of development to be provided on non-previously developed land as part of Appeal B, would be limited to the strip of land required to provide a widened access.
21. Paragraph 145(g) requires such a redevelopment not to cause substantial harm to the openness of the Green Belt. Paragraph 133 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It identifies openness as an essential characteristic of the Green Belt. There is no definition of 'openness' in the Framework, but it is commonly taken to mean the absence of built or otherwise urbanising development.
22. At the Hearing, whilst it was agreed between the parties that the first element of Paragraph 145 (g) does not apply to either appeal, it was recognised that in considering the effect upon the openness, this has to include some assessment of the proposals against the existing buildings and structures on site.
23. Within the main body of the site, the existing development comprises a mix of single storey buildings, storage containers and open-sided covered structures. Buildings are of a permanent construction and are predominantly clustered around the main entrance and the southern part of the site. The remainder of the site is laid to hardstanding and, at the time of my site visit, was used predominantly for the parking and storage of vehicles, which included cars, buses, coaches and lorries. Land was also being used for the external storage of materials, mainly associated with the existing businesses on site.
24. To the west, the land is different in character, being mainly laid to grass and subdivided by post and rail fencing, which provides a number of individual paddock areas.
25. Due to the boundary treatment and the low height of the existing development on the site, views of the current activity from surrounding roads and public viewpoints are relatively limited. The exception to this is from the footpath, which runs along the northern boundary of the site, where there are clear views onto the commercial activities, across the open paddock areas. Views are also possible down the main access road into the site. However, due to the open and verdant nature of the site frontage, the appeal site serves as an open gap in development, when travelling along Upper Halliford Road.
26. A substantial element of the site to be redeveloped is currently used by the existing commercial operations, with a significant amount of the land used for vehicle storage. Whilst some of these vehicles are visible from outside the site, they are different in appearance and nature to the existing permanent buildings on site and are very much temporary features. As a result, despite their presence having some influence upon the existing openness of the site, given

- their temporary nature, I have given their presence limited weight in my assessment.
27. In both instances, the appeal proposals, through the introduction of new buildings and associated infrastructure, would result in a substantial increase in the amount of built footprint on the site. Furthermore, both proposals would also be of a considerably greater height than the existing development and would extend across the full width of the appeal site.
 28. In terms of Appeal A, due to the considerable size and bulk of the proposed buildings, in particular the care home element and the apartment blocks, these would be clearly visible both from the road and the public footpath. Furthermore, despite the potential for new landscaping, the car parking area and proposed play area, along with the substantial buildings, would increase the presence and visibility of residential activity and urban development when viewed from Upper Halliford Road. Given the proximity of the proposed care home to the footpath along the northern edge, the proposed development would also be highly prominent from this location. Despite the potential for additional landscaping along the site frontage, this would not be sufficient to entirely screen the development. As a consequence, the appeal proposal would have an urbanising effect, which would harm the character and appearance of the area.
 29. In respect of Appeal B, development would be located away from the eastern boundary of the site, which would maintain the existing gap and sense of openness along Upper Halliford Road. The proposed dwellings would be taller than the existing buildings, structures and activities on the site. However, due to their design, height and their position within the site, along with the provision of new landscaping, the vast majority of the development would not be visible. Furthermore, car parking and the majority of the infrastructure would be contained within the site. Despite this, due to the increased amount of built form, the proposal would still have an urbanising effect and would therefore harm the character and appearance of the area. However, due to the design of the scheme, I consider this harm to be limited.
 30. Therefore, in contrast to the current situation, the proposed developments would have a more permanent appearance, with a significant increase in built form, including the provision of residential paraphernalia and associated infrastructure. The effect of this would be considerably greater in Appeal A than Appeal B, principally due to the size and scale of the proposed care home and apartment block, and the development being located closer to the eastern boundary of the site.
 31. Both proposals would deliver a reduction in hardstanding across the site and its replacement with green areas in the form of residential gardens and landscaped areas. However, whilst these new green areas would serve to improve the nature and character of the area, considerable parts of these, especially in Appeal B, would be contained within private garden areas which are likely to be fenced off. Therefore, the reduction in hardstanding across the site does not necessarily translate into an increase in openness.
 32. Paragraph 134 of the Framework sets out the main purposes for including land within the Green Belt. It was put to me by the Council that the appeal site performs strongly against Purpose a), to check the unrestricted sprawl of large

- built-up areas, and Purpose b), to prevent neighbouring towns merging into one another.
33. In terms of Appeal A, due to the urbanising nature of the development, along with the protrusion of development in an easterly direction, it would conflict with Purposes a) and b) of the Green Belt as set out in Paragraph 134 of the Framework.
34. Whilst Appeal B would extend across the full width of the site, due to the development being set back from the road, and the retention of the existing eastern elements, the overall effect of the proposal upon the identified Purposes of the Green Belt would not be sufficient to have an adverse effect on the Purposes.
35. I note that the western parts of the appeal site would be retained as open space and would therefore not conflict with the identified Purposes.
36. In terms of Appeal A, drawing all of the above together, the proposed development would have a more permanent appearance than the existing development on site and, due to the height and position of the development in relation to the eastern boundary, it would be highly prominent when seen from surrounding viewpoints. As a result, the site would have a more urban, developed feel. In this instance, due to the urbanising effect of the proposal, it would have a significant impact upon the openness of the Green Belt, which would cause substantial harm. Furthermore, the proposal would conflict with the identified purposes of the Green Belt.
37. This would be contrary to the Framework where it states an essential characteristic of Green Belts are their openness. Consequently, notwithstanding that substantial parts of the site are previously developed land and that the proposal would include the provision of affordable housing to meet local needs, Appeal A would not fall within the scope of development described in Paragraph 145(g) of the Framework. It follows therefore, that Appeal A would constitute inappropriate development within the Green Belt.
38. In terms of Appeal B, as with Appeal A, the proposal would have a more permanent appearance than the existing development and would result in the site having a more urban and developed feel. However, due to its layout and additional landscaping, its visibility from outside of the site would be limited. Furthermore, the existing openness along the eastern boundary of the site would be retained, with the exception of a small area of land to be used for the access, although, given the proposed use, this would still retain a sense of openness. The proposal would also not conflict with the purposes of the Green Belt.
39. Overall, therefore, given its urbanising effect, the proposed development would harm the openness of the Green Belt. However, considering the above, this harm would be limited. As a consequence, given that the majority of the site would comprise previously developed land, and where it does not, the land would remain open, and that the proposal would meet an identified affordable housing need and it would not cause substantial harm to the openness of the Green Belt, I conclude that Appeal B would meet the exceptions in Paragraph 145(g) of the Framework and would therefore not be inappropriate development.

Other considerations

40. Paragraph 144 of the Framework requires decision makers to ensure that substantial weight is given to any harm to the Green Belt. Other considerations in favour of the development must clearly outweigh the harm in order to amount to the very special circumstances necessary to justify the proposed development. Given my conclusions in relation to whether the proposals represent inappropriate development, it follows that this requirement only applies to Appeal A.
41. It is common ground between the parties that the Council, at this moment in time, are unable to demonstrate a 5-year supply of housing land. Furthermore, it was put to me by the appellant that this needs to be also seen against the background of the Council's Housing Delivery Test which showed the Council to have delivered 50% of the District's minimum housing target over the previous three years, which demonstrates persistent under-delivery of housing in Spelthorne. In the appellant's view this should weigh heavily in favour of the proposal.
42. In response, whilst the Council accepted that they are unable to demonstrate a 5-year supply of deliverable housing land, they highlighted that the current level fell only slightly below the threshold at an agreed level of 4.79 years.
43. Notwithstanding the above, it is clear from the evidence in this case that, the Council is unable to demonstrate a 5-year supply of deliverable land and, whilst it is only marginally below the required level, their HDT demonstrates a persistent level of under delivery over the past three years. Given the national importance placed on the delivery of new homes, it is appropriate to give significant weight to the delivery of new housing.
44. The appellant has cited the current position with regards to the provision of both affordable housing and the level of care home provision within the Borough and that, due to a lack of delivery, there is an acute need for both types of accommodation. From the evidence presented to me, it is clear that there is a very substantial shortfall in the delivery of new types of accommodation across the Borough. In this respect, I am mindful of Paragraph 59 of the Framework and the Government's objective to significantly boost the supply of homes, and that the need to ensure that groups with specific housing requirements are addressed. Furthermore, I note that the proposal would deliver a policy compliant level of affordable housing.
45. Considering the overall level of the shortfall, in combination with the delivery of much needed affordable housing units and care home provision, it would be appropriate to attribute significant weight to both these aspects of Appeal A.
46. It was suggested at the Hearing by the appellant that, due to the related benefits from the delivery of housing, affordable housing and specialist accommodation, these should be combined, and in their view, would therefore attract very significant weight.
47. In this instance however, I can see no reason or justification as to why these or any other benefits for that matter, should be afforded a further, combined weight in the overall planning balance. In my view, each benefit has to be considered, with a level of weight attached to it as a specific benefit, not in

combination with others, regardless of whether they may be linked. In this way, it is quite conceivable that a single benefit could be sufficient to tip the balance in favour of a proposal, rather than the total number of benefits a scheme can deliver.

48. The appeal site lies in a relatively sustainable location, with good access to local services and facilities, along with nearby public transport links that provide access to a wider area. On this basis, I have given this moderate weight.
49. Appeal A would involve the development of previously developed land. I have however taken this into account when considering whether the development would be inappropriate.
50. It was put to me by the appellant that the proposal would remove a 'bad neighbour' use from the site and would deliver remediation and environmental improvements that would only be possible through the site's re-development. From the evidence, both in writing and at the hearing, it is clear that the current use of the site does indeed have an adverse effect upon a number of surrounding residents. Although in this regard I note that the evidence from the Council appeared to indicate that the level of complaints about activities on the site was relatively low in numbers. That said, given the relationship of the site with surrounding residential properties and the types of activities which take place on the site, combined with the fact that these appear to be unconstrained in terms of their hours or level of disturbance, it is appropriate to attach moderate weight to both these elements.
51. The appellant has drawn my attention to the substantial area of public open space that would be delivered to the west of the proposed dwellings. As a consequence, enhanced public access to both the countryside and the wider Green Belt would be provided, along with the remediation of the former waste transfer site. These elements would deliver social benefits. In this case, the proposal would provide over and above the policy requirement, and I consider these to be benefits of the proposal. In response, the Council drew my attention to their Open Space Assessment which showed there to be an overprovision of open space within the area. Be this as it may, I am aware of the guidance in Paragraph 141 of the Framework, which requires local planning authorities to plan positively to enhance the beneficial use of the Green Belt and seek to improve damaged or derelict land. Therefore, given the current state of the land, despite the current over-provision of open space within the area, it is appropriate to give the provision of open space moderate weight.
52. The proposal would also deliver economic benefits during the construction phase of the development and would support existing local services and facilities once the homes are occupied. Further economic benefits would be provided through the employment provision at the care home, although this is slightly off-set by the loss of the existing employment uses from the site. These factors weigh in favour of the proposal. Considering the scale of the development proposed, I attribute moderate weight to these.
53. I note that the Council raise no other issues in relation to transport, design, flooding and impact on neighbouring occupiers, amongst other things. However, as these are requirements of policy and legislation, the absence of harm in respect of these matters are neutral factors that weigh neither for nor against the development.

Green Belt conclusion

54. I have already concluded that Appeal B is not inappropriate development in the Green Belt.
55. Appeal A would constitute inappropriate development in the Green Belt. As such, the Framework requires that the harm by reason of inappropriateness be accorded substantial weight. In addition, harm would result from the reduction in the openness of the Green Belt. These matters attract substantial weight against Appeal A.
56. In the context of the above, very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations. Consequently, other considerations weighing in favour of the development must clearly outweigh any harm.
57. I have found that Appeal A would constitute inappropriate development in the Green Belt and would harm its openness. Paragraph 144 of the Framework places substantial weight on any harm to the Green Belt.
58. Additionally, Paragraph 143 of the Framework states that inappropriate development should not be approved except in very special circumstances.
59. The totality of the above harm has to be balanced with the provision of new housing to help meet the Council's acknowledged shortfall, the provision of a policy compliant level of affordable housing, the provision of specialist accommodation in the form of the care home, the benefits of site remediation and the removal of a 'bad' neighbour, along with the delivery of social and economic benefits, including the provision of improved public access to the countryside and associated bio-diversity and green infrastructure gains.
60. Whilst I acknowledge that these are considerations, in this particular case, considering the substantial weight and national importance to protecting the Green Belt, all of the considerations that weigh in favour of the proposal do not clearly outweigh the identified harm to the Green Belt and any other harm, so as to amount to the very special circumstances necessary to justify Appeal A.

Planning Balance

61. In terms of Appeal B, I have found that this would not constitute inappropriate development within the Green Belt. The proposed development would contribute 31 dwellings towards the existing housing stock within the Borough, where there is no 5-year land supply. The proposal would also deliver a policy compliant level of affordable housing provision, along with other benefits in terms of the use of previously developed land and short-term economic benefits from the construction phase and longer-term economic impacts from the reliance of new residents on local facilities.
62. I have concluded that Appeal A would be inappropriate development in the Green Belt and that very special circumstances do not exist to overcome the harm to the Green Belt to justify the development.
63. Paragraph 11 of the Framework states that where relevant policies are out of date, permission should be granted, unless the application of policies in this Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed. Footnote 6 of the Framework

specifies that Green Belt is included within such protected areas. As I have already found that the Framework policy relating to Green Belt in Paragraph 143 indicates that the proposed development is inappropriate, the tilted balance does not apply to Appeal A.

64. Considering the substantial weight and national importance to protecting the Green Belt, all of the considerations that weigh in favour of Appeal A do not clearly outweigh the identified harm to the Green Belt, so as to amount to the very special circumstances necessary to justify the development.

Conditions

65. At the hearing, a number of minor changes to the conditions were suggested, to ensure that the correct plan references were included. As such, I have made the requisite amendments in the interests of clarity and precision.
66. The suggested conditions have been considered in light of the advice contained within the Framework and the National Planning Practice Guidance (NPPG).
67. Standard outline implementation conditions, along with a requirement to implement the scheme in accordance with the approved plans is necessary in the interests of certainty.
68. To ensure that risks from contaminated land to the future users of the site and adjoining land are minimised, it is necessary to require the submission of a desk top study and that a validation report to demonstrate that any risks have been adequately mitigated.
69. To ensure the delivery of sustainable development, it is appropriate to attach a condition requiring the submission of details with regards to the use of renewable energy as part of the scheme. For the same reason, it is appropriate to attach a condition requiring the provision of electric vehicle charging points.
70. In the interests of highway safety, it is necessary to require the provision of adequate visibility splays. For the same reason, it is appropriate to require the access to be constructed from suitable material and to ensure that the car parking is laid out and available prior to the use of the site. For the same reason, it is also necessary to attach a condition requiring the cessation of the use of the existing northern site access and to require the insertion of the pedestrian crossing on Upper Halliford Road.
71. In the interests of local residents and also in the interest of highway safety, it is necessary to attach a condition requiring the submission of a Construction Transport Management Plan.
72. To prevent the risk of flooding, it is necessary to attach a condition requiring the submission of a surface water drainage scheme and to ensure its verification once constructed. To ensure adequate provision of drainage infrastructure, it is necessary to attach a condition to ensure sufficient capacity exists within the network.
73. To deliver bio-diversity enhancements, it is necessary to attach a condition requiring the submission of a biodiversity enhancement scheme. To ensure no harm to protected species, it is appropriate to require the demolition of the existing buildings to be carried out in accordance with the submitted report.

74. The Council suggested conditions in relation to the removal of permitted development rights and limiting the total gross internal floor area of the proposed development. However, having considered these conditions against the guidance contained within the Framework and the NPPG, I consider that, in this instance, such conditions are neither necessary nor appropriate.

Conclusion

75. For the above reasons I conclude that Appeal A should be dismissed.

76. For the above reasons, I conclude that Appeal B should be allowed, subject to the Conditions set out in the attached schedule.

Adrian Hunter

INSPECTOR

APPEARANCES

FOR THE APPELLANT

Guy Williams

Landmark Chambers

Edward Ledwidge

Montagu Evans

Tom Cole

Montagu Evans

James Good

Angle Properties

FOR THE LOCAL PLANNING AUTHORITY

Asitha Ranatunga

Philip Hughes

Schedule of Conditions

1. That in the case of those matters in respect of which details have not been given in the application and which concern the:
 - a) The Appearance, Landscaping, Layout and Scale; hereinafter called "the reserved matters", and which are hereby reserved for subsequent approval by the Local Planning Authority, application for such approval shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
 - b) The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
2. Before any work on the development hereby permitted is first commenced detailed drawings shall be submitted to and approved in writing by the Local Planning Authority to show:
 - Appearance;
 - Landscaping;
 - Layout; and
 - Scale.
3. The development hereby permitted shall be carried out in accordance with the following approved plans and drawings: Proposed Site Access and Pedestrian Crossing Plan; Site Location Plan (F0001-P1); Land Use Parameter Plan D1001 Rev.P1; Height Parameter Plan D1002 Rev.P1; Access/Egress and Circulation Parameter Plan D1003 Rev.P1.
4. No development shall take place until:-
 - c) A comprehensive desk-top study, carried out to identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site, has been submitted to and approved in writing by the Local Planning Authority.
 - d) Where any such potential sources and impacts have been identified, a site investigation has been carried out to fully characterise the nature and extent of any land and/or groundwater contamination and its implications. The site investigation shall not be commenced until the extent and methodology of the site investigation have been agreed in writing with the Local Planning Authority.
 - e) A written method statement for the remediation of land and/or groundwater contamination affecting the site shall be agreed in writing with the Local Planning Authority prior to the commencement of remediation. The method statement shall include an implementation timetable and monitoring proposals, and a remediation verification methodology.

The site shall be remediated in accordance with the approved method statement.

5. Prior to the first use or occupation of the development, and on completion of the agreed contamination remediation works, a validation report that demonstrates the effectiveness of the remediation carried out shall be submitted to and agreed in writing by the Local Planning Authority.

6. No development shall commence until a report has been submitted to and agreed in writing by the Local Planning Authority which includes details and drawings demonstrating how 10% of the energy requirements generated by the development as a whole will be achieved utilising renewable energy methods and showing in detail the estimated sizing of each of the contributing technologies to the overall percentage. The detailed report shall identify how renewable energy, passive energy and efficiency measures will be generated and utilised for each of the proposed buildings to meet collectively the requirement for the scheme. The agreed measures shall be implemented with the construction of each building and thereafter retained and maintained.
7. The development hereby approved shall not be commenced unless and until the proposed vehicular access to Upper Halliford Road has been provided with visibility zones in accordance has been provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and thereafter the visibility zones shall be kept permanently clear of any obstruction measured from 0.6m above the road surface.
8. During and after the construction of the development hereby approved, there shall be no means of vehicular access from the site to Upper Halliford Road over the existing access at the northern boundary of the site.
9. The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.
10. No development shall commence until a Construction Transport Management Plan, to include details of:
 - a) Parking for vehicles of site personnel, operatives and visitors;
 - b) Loading and unloading of plant and materials;
 - c) Storage of plant and materials;
 - d) Programme of works (including measures for traffic management;
 - e) Provision of boundary hoarding behind any visibility zone;
 - f) Measures to prevent the deposit of materials on the highway; and
 - g) On-site turning for construction vehicles has been submitted to and approved in writing by the Local Planning Authority.

has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme.

11. The development hereby approved shall not be first occupied unless and until a pedestrian crossing facility to improve the safety of pedestrians crossing Upper Halliford Road has been provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.
12. The development hereby approved shall not be occupied unless and until at least 25 of the proposed parking spaces have been provided with a fast charge socket (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) for the charging

of electric vehicles in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and thereafter retained and maintained.

13. The development hereby permitted shall not commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:
- a) The results of infiltration testing completed in accordance with BRE Digest: 365 in the location of proposed soakaways and confirmation of groundwater levels
 - b) Evidence that the proposed final solution will effectively manage the 1 in 30 & 1 in 100 (+40% allowance for climate change) storm events and 10% allowance for urban creep, during all stages of the development.
 - c) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.).
 - d) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected.
 - e) Details of drainage management responsibilities and maintenance regimes for the drainage system.
 - f) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.
14. Prior to the first occupation of the development, a verification report for the SUDS scheme, carried out by a qualified drainage engineer, must be submitted to and approved in writing by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).
15. The precautionary measures to safeguard bats during demolition shall be carried out strictly in accordance with the recommended safeguarding measures in the Delta Simons Bat Survey Report January 2020.
16. Prior to the construction of the buildings, a biodiversity enhancement scheme to be implemented on the site shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity enhancement measures shall be implemented in accordance with the approved scheme and thereafter maintained.
17. No properties shall be occupied until confirmation has been provided that either:-

- Drainage infrastructure capacity exists off site to serve the development; or
- A housing and infrastructure phasing plan has been agreed with Thames Water. Where a housing and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan; or
- All wastewater network upgrades required to accommodate the additional flows from the development have been completed.

APPENDIX 4: LAND AT MAITLAND LODGE APPEAL DECISION

Appeal Decision

Inquiry held on 20 to 23 September 2022

Site visit made on 22 September 2022

by O S Woodward BA(Hons.) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 November 2022

Appeal Ref: APP/V1505/W/22/3296116

Land at Maitland Lodge, Southend Road, Billericay CM11 2PT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Inland Homes against Basildon Borough Council.
 - The application Ref 21/01687/FULL, is dated 17 November 2021.
 - The development proposed is the demolition of Maitland Lodge and the construction of 47 new homes (Class C3) with vehicular access onto Southend Road, together with associated infrastructure and landscaping works.
-

Decision

1. The appeal is allowed, and planning permission is granted for the demolition of Maitland Lodge and the construction of 47 new homes (Class C3) with vehicular access onto Southend Road, together with associated infrastructure and landscaping works, in accordance with the terms of the application Ref 21/01687/FULL, dated 17 November 2021, subject to the conditions at Annex C of this Decision.

Preliminary Matters

Planning policy

2. The Development Plan for the area includes the Basildon District Local Plan Saved Policies September 2007 (the LP). The emerging Basildon Borough Local Plan 2014-2034 was withdrawn in March 2022. Its policies, therefore, have no weight, although the plan and its evidence base remain material considerations in the determination of the appeal.

Documents and evidence

3. A number of submissions were received during the inquiry, as set out in Annex B. I am satisfied that in all cases the material was directly relevant to, and necessary for, my Decision. All parties were given opportunities to comment as required and there would be no prejudice to any party from my consideration of these documents. The appeal is therefore determined on the basis of the revised and additional documents and drawings.

Putative Reasons for Refusal

4. The proposal was taken to planning committee in June 2022, where the Council agreed two putative reasons for refusal. The first reason is that the proposal

represents inappropriate development in the Green Belt (GB) and that 'very special circumstances' do not exist. It states that the proposal would cause substantial harm to openness and that its poor design would exacerbate this harm and would fail to provide a high quality beautiful place.

5. The second reason is in relation to securing adequate provision for on and off-site infrastructure, effects on the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (Essex Coast RAMS), and the provision of affordable housing. Subsequent to the planning committee, a s106 planning obligation, dated 7 October 2022, has been submitted. It secures:
 - a healthcare contribution to expand South Green Surgery;
 - an employment and skills contribution to broker job opportunities;
 - an open space, culture, play and sports provision contribution;
 - a contribution in respect of the Essex Coast RAMS;
 - a County Council monitoring fee and a Council monitoring fee;
 - a primary education contribution towards primary education facilities within three miles of the development and/or within Basildon Primary Group 1 (Billericay);
 - a secondary education contribution towards secondary education facilities within three miles of the development and/or within Basildon Secondary Group 2 (Billericay);
 - 16 of the proposed dwellings to be affordable housing, of which 15 would be affordable rented units at least 20% below local open market rent, and one would be shared ownership where the purchaser would have an initial equity share of not less than 25% and not more than 75%;
 - an Affordable Housing Scheme, requiring details of the location of the proposed affordable housing, and a Shared Ownership Marketing Strategy;
 - a further five of the dwellings to be First Homes, allocated to first time buyers at a discount to the market rate of 30%;
 - an Employment and Skills Plan;
 - a management company to carry out the long term management and maintenance of the on-site Open Space; and,
 - an Open Space Specification and the Management Plan regarding the open space.
6. The Council and Essex County Council's joint CIL Compliance Statement sets out the detailed background and justification for each of the obligations. I am satisfied that the provisions of the submitted agreement would meet the tests set out in Regulation 122 of the CIL Regulations 2010 (the CIL Regulations) and the tests at paragraph 57 of the National Planning Policy Framework (the Framework), and I have taken them into account. The s106 therefore responds to these concerns and this putative reason for refusal is not a main issue for the appeal. I return to matters of weight and detail of the s106 throughout my Decision as appropriate.

Main Issues

7. The main issues are:
 - whether or not the proposal would be inappropriate development in the GB, including assessment of the effect of the proposal on the openness of the GB; and,
 - the effect of the proposal on the character and appearance of the area, in particular on landscape character.

Reasons

Green Belt

Inappropriate development

8. The majority of the appeal site lies in the GB. The area of the site outside the GB is Maitland Lodge and its garden and a thin sliver of land to the north east corner running along the back of the properties to the west of Southend Road. It is proposed to construct a number of new buildings within the GB land.
9. The GB land provides equestrian facilities, other buildings or built form and paddocks directly linked to the equestrian facilities and forming part of the curtilage of the equestrian buildings. The Framework states that the curtilage of developed land can be considered as, but is not necessarily, previously developed land (PDL). In this instance, the functional relationship of the paddocks to the developed stables and other buildings on the site is clear. The paddocks themselves include some built form and are a human intervention on the site. It is also common ground, and I agree, that none of the appeal site is in agricultural use. The residential garden areas to Maitland Lodge are within the part of the appeal site that is within the built-up area of Billericay. These are not, therefore PDL, as defined by the Framework. However, these areas are outside of the GB. I therefore agree with the appellant and the Council, who under cross-examination conceded this position, that all of the GB land within the appeal site is PDL.
10. It is also common ground, and I agree, that the proposal would include affordable housing that would meet an identified need within the Borough. This is expanded upon later in this Decision. Paragraph 149 of the Framework states that new buildings are inappropriate development in the GB, subject to a number of exceptions. Part g), second bullet point, relates to the redevelopment of PDL where the proposal would contribute to meeting an identified affordable housing need, and is therefore relevant to the appeal proposal. The bullet point states that, in such circumstances, development would not be 'inappropriate' if it would not cause substantial harm to the openness of the GB. I therefore assess the effect of the proposal on openness below.

Openness

11. The GB element of the appeal site is within a wider parcel of land in the GB called 'Area 25' as identified in the Basildon Borough Green Belt Topic Paper, October 2018 (the Topic Paper 2018). The appeal site is a small area of land within this wider parcel. There is open countryside to the west and the south, however there is extensive, mature boundary planting to the west, and lesser, but still significant, boundary planting to the south. The land to the east and west of the site is already built-up. The site is therefore highly visually constrained and makes only a limited contribution to the openness of the GB. This is a view shared by the Topic Paper 2018.
12. The GB element of the appeal site contains a number of buildings and structures associated with its equestrian and other uses. These are largely single storey. The proposal would be for 28 buildings, including a mix of houses and two blocks of flats, at up to three storeys but mostly either two or two and a half storeys in height. Overall, the proposal would result in an 80% increase

in footprint and a 124% increase in volume of built-form on the GB element of the appeal site. The level of the proposed increase in built-form would therefore be relatively significant.

13. The proposed garages would link several of the buildings. The layout would be relatively dense, there would be runs of rooflines that would be fairly close together and prominent, and relatively limited landscaping, save for incidental street trees and an area of open space to the south west corner. These design detail considerations influence the harm to openness of the proposal but only to a limited degree, as was accepted by the Council under cross-examination.
14. In addition, the proposal would spread built form across the whole site, rather than being concentrated to the eastern edge adjacent to the existing housing. There would also be a significant increase in activity on the site in comparison to the existing use for equestrian purposes and the gardens of the proposed dwellings would likely also be the subject of residential paraphernalia once occupied, further negatively affecting openness on the site.
15. However, the appeal site is largely visually self-contained by the mature planting to the west and existing development to the north and east. The southern boundary also has a relatively mature hedgerow but is more open. The proposed landscaping scheme, including some trees, would lessen this openness but the proposal would still be more visible from the south through this boundary than the existing built form. Importantly, though, as viewed from the south the proposed development would be seen in the context of the existing housing of Billericay. The existing housing rises slightly up the hill as viewed from the south and is clearly visible and fairly prominent.
16. Overall, there is relatively significant existing built form and the GB element of the appeal site is only a small part of a much wider parcel of GB land. The proposal would result in an increase in built form on the site both in overall footprint and volume and spread across the site. However, the appeal site is largely visually self-contained, with existing housing to Billericay to two sides of the site and the extensive existing and proposed boundary landscaping to the other two sides. Where the boundary planting would be more open the proposal would be seen in the context of the existing housing to Billericay. The harm to openness on the appeal site itself would therefore have limited effect on the wider GB. Allowing for the slightly greater harm to openness of the appeal site itself, the overall harm to the openness of the GB would be moderate.
17. It is important to note that the threshold for the proposal to be considered as inappropriate development is substantial harm. This is a high bar and the proposal clearly falls below it. The proposal is therefore 'not inappropriate' development in the GB. I do not, therefore, need to further consider issues in relation to GB development or make a determination on 'very special circumstances'.

Character and appearance

18. The Council's case with regard to character and appearance relates primarily to the effect of the proposal on landscape character, which I assess in this section. The Council also raised matters regarding detailed design that fall outside the above, which I turn to in the Other Matters section later in my Decision.

Existing

19. The appeal site includes a detached house along the western side of Southend Road, with the majority of the site lying behind this house. The area behind comprises a number of buildings and stables and associated hardstanding, fences and other ancillary development. There are also two grass paddocks which take up the western and central part of the site. The existing buildings have an equestrian use character and are single storey apart from Maitland Lodge. Some buildings are in poor condition and the site has grown organically with no discernible pattern to the layout.
20. To the east and north of the rear part of the site lies the existing edge of Billericay, with a mix of houses lining Mill Road, Homefield Close and Southend Road. The Maitland Lodge house is one of the properties on Southend Road. The surrounding properties are of a variety of architectural styles, being either detached or semi-detached houses or bungalows, and there is little to unify the architectural character. It is a typical, unremarkable, suburb. To the south and west are fields with mostly open countryside beyond. The site sits within Landscape Character Area 12¹, defined as an area of sloping farmland. However, it is only a small part of this wider area, which includes the extensive open farmland surrounding Billericay. The appeal site does not contain most of the key characteristics of the area, such as large fields.
21. Other than the entrance element where Maitland Lodge sits, the appeal site is mostly visually self-contained. The dwellings to the north and east only afford glimpsed views through to the site. There is a very mature hedgerow including substantial trees to the western boundary and a less mature and lower hedgerow, but which is still relatively substantial, to the southern boundary. Even views from neighbouring properties are at least partially screened by existing vegetation and boundary features. The appeal site is, however, visible from the south, largely to drivers approaching Billericay along Southend Road, but there are also some footpaths at mid-distance from the site to the south and west. However, where the site is visible, it is seen in the context of the urban edge of Billericay. The existing properties are clearly visible, set on rising land towards the north.
22. The wider landscape to the south and west is largely open farmland and is of higher quality. However, whilst pleasant countryside, this is also largely unremarkable agricultural fields. It is common ground, and I agree, that the wider landscape is not a 'valued landscape' within the meaning of paragraph 174 of the Framework. I assess the wider area to have moderate sensitivity to change. The appeal site itself, however, is of low sensitivity, through a combination of the partly-urbanising effect of the existing buildings and ancillary structures and hard standing, the edge-of-settlement character and the visual containment.

Proposed

23. It is proposed to demolish all the existing buildings and structures on the site and comprehensively redevelop to provide 47 dwellings. The proposed layout includes an access road from Southend Road which turns into a circle within the main/rear part of the site. A building, containing two houses, is proposed to the Southend Road frontage, adjacent to the proposed access road. A variety

¹ As set out in the Landscape Character and Green Belt Landscape Capacity Study December 2014

of dwellings are proposed within the site, including detached and semi-detached houses at two or two and a half storeys, and two blocks of flats at two and three storeys. Many of the proposed houses are also provided with car ports and there would be additional off and on-street car parking, including on driveways and in small car parks. An area of communal open space is proposed to the south west corner, which would also incorporate a balancing pond drainage feature. Some new planting is proposed, including trees, to the southern boundary.

Assessment

24. There would be a fair degree of consistency in the proposed architectural style of the buildings in terms of scale and layout but a certain amount of variety through different fenestration patterns and materials. The Essex Design Guide 2018 advises to avoid or conceal wide gable ends to roofs. Some relatively wide gable ends are proposed, but these are largely to side elevations not viewed directly from the proposed street. These side elevations often also would have car ports, adding articulation. There would be a variety of roof forms, silhouettes and detailing which is a positive factor which contributes to the architectural interest of the proposal. Overall, the architectural approach achieves a successful balance and would be in-keeping with the varied detailed design but consistent suburban character and appearance of the wider area.
25. The proposal is relatively dense and the proposed car ports would visually and physically link many of the buildings. However, these would be set back and would be lower than the host buildings and would remain subservient to them. The density would be similar to the surrounding area. The proposed open space would be relatively limited, but it is in the location of the site that would most benefit from visual softening, in the south west corner surrounded by open fields, and as stated in the Basildon Outline Landscape Appraisals of Potential Strategic Development Sites 2017. Paragraphs 119 and 124 of the Framework promote the effective and efficient use of land to provide homes. In this physical and policy context, the proposal would be of an acceptable density.
26. Nevertheless, the proposal would undeniably result in a change in character and appearance to the appeal site from the current equestrian use and building styles, and an increase in density and built form across the site, particularly to the currently open paddocks to the west and centre of the site. However, the overall density and detailed design of the proposal would be in-keeping with the character and appearance of the area. The appeal site is also of low sensitivity, is highly visually self-contained and, where more visible from the south, would be seen in the context of the existing housing of Billericay to the north, limiting any effects on the wider area.
27. Consequently, the proposal would not result in material harm to the character and appearance of the area, with regard to landscape effects. The proposal would therefore comply with Policy BE12(i) of the LP, which resists residential development that would harm the character of the surrounding area.

Other Matters

Housing

Market housing

28. A housing land supply range has been agreed between the parties, of between 1.6 and 2.33 years. Anywhere within this range is a very substantial shortfall against the target to identify a five year supply of housing land as set out in paragraph 68 of the Framework. In numerical terms, the shortfall equates to between 3,345 and 4,200 homes. There is also an under-delivery of housing in the Borough. The Government's 2021 Housing Delivery Test figures confirm a delivery rate of 41% against the housing requirement. Footnote 8 of the Framework states that even a delivery rate of 75% should be considered as substantially below the requirement. 41% is therefore a very substantial under-delivery. The delivery is also on a downward trend, with the most recent results being 45% in 2020, 44% in 2019 and 75% in 2018.
29. Under cross-examination, the Council accepted that housing delivery has been persistently poor over several years. This is also stated at paragraph 2.4 of the Council's Draft Housing Delivery Test Action Plan July 2021 (the Action Plan 2021). It would be difficult to come to any other conclusion on the basis of the above evidence. The shortfalls in housing land supply and housing delivery are stark. There is also no evidence before me that there is likely to be a marked improvement in the delivery of housing in the short to medium term. The Council's Action Plan 2021 states that the level of supply is not expected to significantly improve until a new Local Plan is adopted. In this regard, the Council's emerging Local Plan was recently withdrawn and its tentative timetable for the production of a new Local Plan would result in adoption, at best, in 2027.
30. It is important to remember that there are real world implications from the under-delivery of homes, including increased house prices, decreased affordability and an increasing number of individuals and families being forced to remain in unsuitable accommodation for their current needs. I therefore place very substantial positive weight on the proposed 26 open market homes.

Affordable housing

31. The Council's affordable housing need is agreed between the main parties to be 860 dwellings per annum (dpa), based on removing the backlog in addition to ongoing requirements. The current overall shortfall is 2,494 homes. Over the past seven years, the net delivery of affordable housing, ie after accounting for Right to Buy sales, is just 5 dpa. Affordable housing delivery is abysmal. The shortfall is acute and persistent. As with market housing, there is no evidence before me that there is likely to be a marked improvement in the delivery of affordable housing in the short to medium term.
32. The length of the waiting list on the housing register is up by 44% in the past year. The multiple of the income of people on lower quartile incomes necessary to buy a home in the Borough is 32% higher than seven years ago. These statistics sit in the middle of a much wider socio-economic and political conversation, not all which, I accept, will have been driven by the lack of affordable housing delivery. However, the persistent extremely low affordable housing delivery in the past years has contributed towards this real-world

harm. Each of the 2,494 affordable homes that should have been built, but have not, represent a missed opportunity to help alleviate the housing concerns of individuals and families. The situation represents a significant conflict with the economic and social overarching objectives set out in paragraph 8 of the Framework.

33. Policy BAS S5 of the LP sets a requirement for affordable housing of between 15 to 30% of the total number of units on a development site. The 'split' of the affordable housing between different affordable tenure types is not prescribed in policy and all tenures of affordable housing contribute to the affordable housing supply for the Borough. The proposed provision of 45% of total units, at 21 homes, is in excess of the policy requirements. However, given the critical situation regarding affordable housing delivery in the Borough, I place very substantial positive weight on all of the proposed affordable homes, not just those over and above policy requirements.

Appeal site location and nature

Previously Developed Land (PDL)

34. As established above, the element of the appeal site in the GB is PDL. Most of the remainder of the appeal site is also PDL, as it is land with existing built form and associated hard standing. However, there are two small residential garden areas associated with Maitland Lodge that lie outside of the GB, both of which do not constitute PDL, as defined by the Framework. Nevertheless, a significant majority of the site is PDL. Despite this, the site is not particularly intensively used, with large relatively open spaces for the paddocks. The proposed development to provide 47 houses would therefore represent an efficient use of land for homes, on a mostly brownfield site, partly within and partly directly adjacent to an existing settlement.
35. In light of the above, and as directed by paragraph 120(c) of the Framework, I place substantial positive weight on the proposed dwellings on the part of the appeal site within Billericay. I also place significant positive weight on the remainder of the development in this regard, which accords with the promotion of the effective use of land to provide homes at paragraph 119 of the Framework.

Sequential preference

36. The Council's Development Plan is out-of-date. The Local Plan was adopted in 1998, based on the period 1991-2001, with a housing requirement based on a previous Structure Plan adopted in 1982. The GB boundaries are therefore based on very old housing requirements and a completely different planning policy and political backdrop. Most of the Borough outside the three main towns is GB. It is common ground, and I agree, that due to the significantly higher housing requirements that the Council now faces, and that it cannot demonstrate a five year supply of housing land, significant GB release is inevitable.
37. It would be preferable if the GB release could be managed through the emerging Local Plan process, as set out at paragraphs 15 and 140 of the Framework. However, as set out above, a new Local Plan is at least five, and potentially many more, years from being adopted. It is therefore necessary to

consider proposals that come forward in the GB ahead of adoption of the new Local Plan.

38. In this regard, the now withdrawn Local Plan and its evidence base is still a material consideration. The evidence base allocated the site for development² and the withdrawn Plan carried this through to a site allocation (Site H21b), albeit for around 20 self-build homes rather than the 47 dwellings proposed as part of the appeal proposal³. However, the important consideration is that the site was found to be suitable for development and to be removed from the GB. In addition, this inquiry has established that the GB element of the appeal site is all PDL.
39. Therefore, the appeal site in general is sequentially preferable to non-PDL sites in the GB, which make up the majority of GB land in the Borough. In any event, as established above, the specific appeal proposal is 'not inappropriate' development in the GB. I therefore find no harm from the location of the proposal in the GB in addition to its sequential preference over non-PDL GB sites. This is a significant positive benefit of the proposal in the context of a Borough where GB release is accepted as being inevitable to meet its housing needs.

Accessibility

40. The appeal site is directly adjacent to Billericay and accessible to its large range of services and facilities, and also easily accessible to a range of bus routes and also Billericay train station. It is common ground, and I agree, that the appeal site is in a highly accessible location. I place significant positive weight on this factor.

Economic

41. The proposal would create short term employment during construction and would result in long term economic benefits from expenditure from the future occupants on goods and services in the area. Some of the future occupants would potentially have only moved a short distance and already be in the local area, but many are likely to be from further afield. As required by paragraph 81 of the Framework, I place significant positive weight on the economic benefits.

Biodiversity

42. A package of mitigation measures, such as tree protection fencing or sensitive site clearance, is set out in the Ecological Impact Assessment May 2022 and could also be secured by condition. Compensation is also proposed, for example through the contribution towards the Essex Coast RAMS. It is therefore proposed to follow the hierarchy set out at paragraph 180 of the Framework by first mitigating ecological effects and only then compensating for them. In addition, a biodiversity net gain of 10% is proposed and could be secured by condition. The Framework only requires 'a' net gain, rather than a gain of 10%. The proposal therefore goes beyond policy requirements in this regard. I place significant positive weight on this benefit.

² Housing and Economic Land Availability Assessment (HELAA) Review 2018, September 2018 (Site SS0189)

³ Basildon Borough Revised Publication Local Plan 2014 – 2034, October 2018 (Site H21b) and Housing Options Topic Paper November 2018 (New Site 3)

Detailed design

43. The proposed layout with a circular road leading to a single access point logically responds to the square shape of the rear part of the site and the narrow access area to Southend Road. The proposed building along Southend Road retains a building fronting onto the road, in-keeping with the established character of the road. Nevertheless, there would be limited harm to the character and appearance of this frontage through the proposed relatively wide access road.
44. The proposed three storey block of flats would be slightly taller and more bulky than the proposed and existing semi-detached properties in the area. However, it would be relatively small, towards the centre of the site and not readily visible from public or private views. The proposed public open space would be relatively small but is proposed in the south west corner of the site which is the most appropriate location for open space as it is furthest away from Billericay and one of the most visible parts of the appeal site. The open space would also incorporate a drainage feature but the detail of this could be controlled by condition to be attractive and there would be sufficient remaining space for recreational use by the future residents. The proposed shared surface approach to the internal road would work well in the context of the relatively small scale of the proposal. The Highways Authority raises no objection to this approach in terms of highway safety.
45. Matters of detailed design of the proposed buildings and the proposed hard and soft landscaping could be controlled by condition(s). Overall, the detailed design of the proposal would be in-keeping with the character and appearance of the area and would be acceptable. This weighs neutrally in the planning balance.

Appropriate Assessment

46. The appeal site falls within the Zone of Influence (ZoI) for the Blackwater Estuary Special Protection Area and Ramsar (the SPA). The proposal is for residential development and the future occupants are likely to travel to the SPA for recreation purposes, due to the proximity and as established by the appeal site falling within the ZoI. Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 indicates the requirement for an Appropriate Assessment (AA) in such circumstances. As the Competent Authority, I have therefore undertaken an AA.
47. The conservation objectives for the SPA include maintaining or restoring the habitats for a number of breeding and non-breeding birds. The specific qualifying features likely to be affected by the potential increase in recreational pressure include the mudflat habitat that supports internationally and nationally important numbers of overwintering waterfowl, and semi-improved grassland that includes nationally scarce plants and rare invertebrates. The proposal would therefore likely result in adverse effects on the SPA, by itself and in combination with other development projects.
48. Consequently, I am satisfied that a mitigation payment is required to avoid an adverse effect on the integrity of the SPA. In this regard, the s106 secures a financial contribution, proportionate to the number of dwellings proposed, towards mitigating the effects of the likely increased recreational pressure. The payment has been calculated in accordance with the Essex Coast RAMS, which

applies to a number of protected areas include the SPA relevant to this appeal. The RAMS is a detailed strategy which has carefully considered the mitigation measures necessary to protect the designated sites. Natural England has confirmed that the contribution is appropriate and proportionate, and that, subject to the contribution, the proposal would not have an adverse effect on the integrity of the site. I am therefore satisfied that the mitigation would be effective. I am also satisfied that the planning obligation meets the tests set out in Regulation 122(2) of the CIL Regulations and paragraph 56 of the Framework.

49. Consequently, I consider that, subject to the s106, there would be no adverse effect on the integrity of the protected site, both on its own and in combination with other developments.

Interested parties

50. Several objections have been submitted, including from the Billericay District Residents Association, Great Burstead and South Green Village Council and the Campaign to Protect Rural England. The objections have commented on the issues covered above and also on drainage, flooding, highway safety, free-flow of traffic, harm to living conditions of neighbouring occupiers through lack of light and noise and outlook, contamination of groundwater, impact on local infrastructure eg schools and doctors, disruption during construction, and deterioration in air quality. Some neutral comments were also submitted requesting a horticultural scheme.
51. I have taken all of these factors into consideration. Most are not in dispute between the main parties. The Council concluded that there would be no material harm in these regards and I also note that both the Local Lead Flood Authority and Highways Authority have no objection to the proposal. No substantiated evidence has been submitted that leads me to any different view. Other concerns are addressed in my reasoning above, can be addressed by conditions or are dealt with by the planning obligations secured.

Conditions

52. A schedule of conditions was agreed between the parties ahead of the inquiry. This was discussed through a round-table session at the inquiry. I have considered the conditions against the tests in the Framework and the advice in the Planning Practice Guidance. I have made such amendments as necessary to comply with those documents and in the interests of clarity, precision, and simplicity. The appellant has confirmed acceptance of the pre-commencement conditions. I set out below specific reasons for each condition:
- In addition to the standard time limit condition, a condition specifying the relevant drawings provides certainty;
 - Construction Management Plan (CMP) and Site Waste Management Plan (SWMP) and Construction Environmental Management Plan (CEMP) conditions are necessary to protect the living conditions of neighbours, biodiversity, highway safety and the free-flow of traffic during construction;
 - The Biodiversity Survey and Biodiversity Enhancement Strategy, Landscape and Ecological Management Plan (LEMP), lighting design, Arboricultural Impact Assessment, and Ecological Impact Assessment conditions are necessary to protect existing biodiversity, to secure the proposed 10% biodiversity net gain, and to ensure maintenance of the relevant measures;

- Land contamination and remediation, archaeology, Secured by Design and waste and recycling conditions are necessary to ensure the proposal would have acceptable effects with regard to these technical considerations;
 - Tree protection, hard landscaping, soft landscaping, waste and recycling conditions, and Arboricultural Impact Assessment conditions are necessary to ensure a satisfactory standard of development protect and to protect and enhance biodiversity;
 - The materials and finished floor levels conditions are necessary to ensure a satisfactory standard of development;
 - The surface water drainage systems, maintenance of surface water drainage systems and finished floor levels conditions are necessary to ensure that suitable mitigation is provided regarding surface water drainage and flooding;
 - An Energy and Sustainability Strategy condition is necessary to ensure that the proposal reduces carbon dioxide emissions and therefore to mitigate climate change and assist in moving to a low carbon economy as set out in paragraph 8 of the Framework;
 - The visibility splays, access junction details and internal road and footway layout condition is necessary to protect highway safety and the free-flow of traffic;
 - The cycle parking and Residential Travel Information Pack conditions are necessary to encourage the use of a range of modes of transport other than the car; and,
 - The condition requiring details of upgrade works to nearby bus stops and pedestrian crossings is necessary to encourage the use of a range of modes of transport other than the car and to partially mitigate the increased pressure on public transport from the future occupiers of the development. It is necessarily worded as a Grampian type condition, since it relates to land outwith the control of the appellant.
53. A condition requiring electric vehicle charging points for all the proposed car parking spaces was requested by the Council but it is unnecessary because this provision is already set out in Requirement S1 of The Building Regulations 2010, Approved Document S 2021 Edition.
54. The CMP/SWMP, CEMP, Biodiversity Survey, land contamination and remediation, archaeology, tree protection, and hard and soft landscaping conditions are necessarily worded as pre-commencement conditions, as a later trigger for their submission and/or implementation would limit their effectiveness or the scope of measure which could be used.

Planning Balance

55. The proposal would not conflict with any Development Plan policies, including the four identified as most relevant to the appeal in the Statement of Common Ground, namely Policy BAS GB1 which sets the GB boundaries but has no specific control over GB development, Policy BAS S5 which sets affordable housing thresholds which the proposal exceeds, Policy BAS BE12 which requires proposals to conserve the character of the area, and Policy BAS BE24 which is in relation to crime prevention which could be adequately controlled by condition.
56. The proposal would not harm the character and appearance of the area, either with regard to landscape or detailed design. It would be 'not inappropriate'

development in the Green Belt. The s106 secures appropriate mitigation against any harms from the proposal on the SPA. These factors all weigh neutrally in the planning balance.

57. The proposed open market housing and affordable housing would be very substantial benefits of the proposal. The part of the proposal outside of the GB to be developed for housing would be a substantial benefit due to the use of suitable brownfield land within settlements for homes.
58. The remainder of the appeal site represents the effective use of land to provide homes. The appeal site is sequentially preferable to non-PDL sites in the GB in a Borough where GB release is inevitable to meet its housing needs. The appeal site is easily accessible to public transport, services and facilities, a biodiversity net gain over and above minimum policy requirements is proposed, and there would be both short term and long term economic benefits. These are all significant benefits.

Conclusion

59. The Council cannot demonstrate a five year supply of housing land and there is no clear reason for refusing the proposal related to areas or assets of particular importance. Having regard to paragraph 11d of the Framework, I have found no conflict with the Development Plan and a number of weighty benefits. Therefore, for the reasons above, the appeal is allowed.

O S Woodward
INSPECTOR

ANNEX A: APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Giles Atkinson, of Counsel. He called:

Emily Beavan ARB	Principal Urban Design Officer, Basildon Borough Council (BBC)
Louise Cook MRTPI	Principal Planning Officer, BBC
Christine Lyons MRTPI	Head of Planning, BBC
Adeola Pilgrim MRTPI	Principal Planner, BBC
Lisa Richardson	Principal Planner, BBC
Charlotte McKay cFILEX	Principal Lawyer, BBC
Anne Cook	Principal Infrastructure Planning Officer, Essex County Council

FOR THE APPELLANT:

Zack Simons, of Counsel. He called:

Colin Pullan	Head of Urban Design and Masterplanning, Lambert Smith Hampton
Charles Crawford CMLI	Director, LDA Design
Hywel James MRTPI	Associate, Nexus Planning
Oliver Bell MRTPI	Director, Nexus Planning
James Stacey MRTPI	Senior Director, Tetlow King Planning Ltd
Ben Standing	Partner, Browne Jackson
Dominick Veasey MRTPI	Director, Nexus Planning
Hywel James MRTPI	Associate, Nexus Planning

ANNEX B: DOCUMENTS SUBMITTED DURING THE INQUIRY

- 1 Addendum to Statement of Common Ground – Housing Issues, dated 20 September 2022
- 2 Affordable Housing Proof of Evidence Addendum and Errata Note of James Stacey BA (Hons) Dip TP MRTPI
- 3 *Herbert Hiley and The Secretary of State for Levelling Up, Housing and Communities vs East Lindsey District Council* [2022] EWHC 1289 (Admin)
- 4 Appellant's Opening and List of Appearances
- 5 Opening Statement on behalf of the LPA
- 6 Site Visit Routes, dated September 2022
- 7 Email regarding conditions 27 and 28 from Hywel James, dated 23 September 2022
- 8 Open Space Plan/Management Plan Ref 1760/L/02
- 9 Closing submissions on behalf of the LPA, by Giles Atkinson, dated 23 September 2022
- 10 Appellant's Closing Submissions, by Zack Simons and Isabella Buono, dated 23 September 2022

ANNEX C: CONDITIONS SCHEDULE

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Refs 16007/400; 1760/P/01 Rev B; 16007-10, 11 Rev B, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34 Rev A, 35, 36, 37, 38, 39, 100, 101.

Pre-commencement

- 3) No development shall commence, including any works of demolition, until a Construction Environmental Management Plan (CEMP) and Site Waste Management Plan (SWMP) for the proposed development has been submitted to and approved in writing by the Local Planning Authority. The Plans shall incorporate details of:
 - a) the parking of vehicles of site operatives and visitors (construction traffic management);
 - b) loading and unloading and the storage of plant and materials used in constructing the development;
 - c) the erection and maintenance of security hoardings including decorative displays and facilities for public viewing, where appropriate;
 - d) wheel and underbody washing facilities;
 - e) measures to control the emission of noise, dust and dirt during construction;
 - f) a scheme for recycling/disposing of waste resulting from demolition and construction works; and,
 - g) details of a nominated developer/resident liaison representative with an address and contact telephone number to be circulated to those residents consulted on the application by the developer's representatives. This person will act as first point of contact for residents who have any problems or questions related to the ongoing development.

The approved CEMP and SWMP shall be implemented for the entire period of the construction works.

No materials produced as a result of the site development or clearance shall be burned on site.

- 4) Prior to the commencement of development, a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the Local Planning Authority following the recommendations made within the Ecological Impact Assessment ref. INL20854_EcIA dated 17.05.2022. The CEMP: Biodiversity shall include the following:
 - a) Risk assessment of potentially damaging construction activities;
 - b) Identification of "biodiversity protection zones";

- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; and,
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

- 5) A. No above ground new development, including demolition, shall commence until an updated Biodiversity Survey has been submitted to and approved in writing by the Local Planning Authority.

B. A Biodiversity Enhancement Strategy for any identified protected and priority species in accordance with the Biodiversity Survey approved at A., shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of the relevant part of the development. The content of the Strategy shall include the following:
 - a) measures equivalent to a 10% net gain in biodiversity;
 - b) purpose and conservation objectives for the proposed enhancement measures;
 - c) detailed designs to achieve stated objectives;
 - d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
 - e) locations of proposed enhancement measures by appropriate maps and plans;
 - f) persons responsible for implementing the enhancement measures; and,
 - g) details of initial aftercare and long-term maintenance (where relevant).
C. The Strategy shall be implemented in accordance with the approved details and timetable and, where appropriate, shall be retained in that manner thereafter.
- 6) No development shall commence, including any works of demolition, until an updated desk-top study has been submitted to and approved in writing by the Local Planning Authority, to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the proposed development.
- 7) If identified as being required following the completion of the desk-top study required pursuant to condition 6, a site investigation shall be carried out prior to commencement of development and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk

assessment that adopts the Source-Pathway-Receptor principle, in order that any potential risks are adequately assessed, taking into account the sites existing status and proposed new use. The site investigation and findings shall be submitted to and approved in writing by the Local Planning Authority within three months of their completion.

- 8) If identified as being required following the completion of the site investigation pursuant to condition 7, a written method statement detailing the remediation requirements for land contamination and/or pollution of controlled waters affecting the site, shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. Development shall be carried out in accordance with the written method statement. If, during redevelopment, contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately, and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspected contamination has been submitted to and approved in writing by the Local Planning Authority and all requirements shall be implemented and completed in accordance with the approved method statement.
- 9) Following completion of measures identified in the remediation scheme pursuant to condition 8, a full closure report shall be submitted to and approved in writing by the Local Planning Authority. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved method statement(s).
- 10) A. No development shall commence until:
 - i. A programme of archaeological investigation has been secured in accordance with a Written Scheme of Investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority; and,
 - ii. Any fieldwork required in accordance with the submitted WSI has been completed.

B. A Final Archaeological Report shall be submitted to and approved in writing by the Local Planning Authority, prior to occupation of the development.

C. The deposition of a digital archive with the Archaeological Data Service must be submitted within six months of the completion of any fieldwork required.
- 11) No development shall commence, including any works of demolition, until all trees to be retained have been protected by secure, stout exclusion fencing erected at a minimum distance equivalent to the branch spread of the trees and in accordance with BS5837:2012 Trees in relation to design, demolition and construction – Recommendations. The protective fencing shall be retained for the duration of the construction process.
- 12) The hard landscaping scheme set out in drawing Ref INL20854-12-Sheets 1, 2 and 3 and drawing Ref INL20854_10 shall be updated to accord with the additional landscaping features shown on drawing Ref 1760/P/01 Rev B. The updated hard landscaping scheme shall be submitted to and

approved in writing by the Local Planning Authority prior to the commencement of development. The approved hard landscaping scheme shall be implemented prior to occupation of the development in accordance with the approved details.

- 13) The soft landscaping scheme set out in drawing Ref INL20854-11-Sheets 1, 2 and 3 and drawing Ref INL20854_10 shall be updated to accord with the additional landscaping features shown on drawing Ref 1760/P/01 Rev B. The revised soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation or completion of the development, whichever is the sooner. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

Specific triggers

- 14) Prior to installation of external façade surfaces, full details, including samples, specifications, annotated plans and fire safety ratings, of all materials to be used in the construction of the external surfaces shall be submitted to and approved in writing by the Local Planning Authority. The external façade surfaces shall only be implemented in accordance with the approved details and shall be retained at all times thereafter.
- 15) No above ground new development shall commence, until an updated and detailed surface water drainage scheme for the proposed development, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:
- a) Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event;
 - b) Final modelling and calculations for all areas of the drainage systems for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change; and,
 - c) A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.

The approved scheme shall be implemented prior to occupation of the development.

- 16) No above ground new development shall commence until an Energy and Sustainability Strategy has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to occupation of the development and shall be maintained at all times thereafter.
- 17) No above ground new development shall take place until details of the existing and finished site levels and the finished floor and ridge levels of the proposed development have been submitted to and approved in

writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Pre-occupation

- 18) Prior to occupation of the development, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. This must include details of management of trees on site. The content of the LEMP shall include the following:
- a) Description and evaluation of landscape and ecology to be managed to include all woodland;
 - b) Ecological trends and constraints on site that might influence management;
 - c) Aims and objectives of management (The southern and western boundary hedgerows will be protected from the development with garden fences, to prevent inappropriate management by the residents. The hedgerows will be appropriately managed long term by a management company);
 - d) Appropriate management options for achieving aims and objectives;
 - e) Prescriptions for management actions;
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
 - g) Details of the body or organisation responsible for implementation of the plan; and,
 - h) Ongoing monitoring and remedial measures.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved LEMP shall be implemented in accordance with the approved details.

- 19) A. Prior to occupation of the development, the access at its centre line shall be provided with a visibility splay with dimensions of 2.4 metres by 63 metres to the north and 2.4 metres by 64 metres to the south, as measured from and along the nearside edge of the carriageway to a 1 metre offset, as shown in principle on planning application drawing Ref 151883/PD02 rev A prepared by Vectos. Such vehicular visibility splays shall be retained free of any obstruction at all times.
- B. The width of the access at its junction with the highway shall not be less than 6 metres and shall be provided with two appropriate kerbed radii as shown in principle on planning application drawing Ref 1760/P/01 rev B prepared by Archtech.
- C. Prior to occupation of the development, footways a minimum of two metres wide shall be provided on both sides of the vehicular access. The footways shall extend from the site around the bellmouth junction, include a dropped kerb pedestrian crossing point and tie in with the existing footways on Southend Road.

- D. Prior to occupation of the development the internal estate road and footways shall be constructed as shown in principle on planning application drawing Ref 1760/P/01 rev B prepared by Archtech.
- E. Prior to occupation of the development, vehicular turning facilities, as shown on planning application drawing Ref 1760/P/01 rev B prepared by Archtech shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.
- 20) Prior to first occupation of the flats, details of the proposed secure and covered cycle parking for future occupiers of these units shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be made available prior to first occupation of the flats in accordance with the approved details and thereafter permanently retained.
- 21) No dwelling shall be occupied unless and until the existing bus stops known as Factory Site located on Southend Road adjacent to the site have been upgraded to provide raised Kassel kerbs, associated footway reprofiling, installation of bus stop clearway markings for both northbound and southbound stops, and a dropped kerb pedestrian crossing point provided on both sides of Southend Road in the vicinity of the northbound and southbound bus stops, in accordance with details that shall have previously been submitted to and approved in writing by the Local Planning Authority.
- 22) Prior to the first occupation of the relevant dwelling, a Residential Travel Information Pack (RTIP) for sustainable transport shall be submitted to and approved in writing by the Local Planning Authority. The RTIP shall subsequently be provided to the first occupant(s) of the relevant dwelling prior to first occupation of that dwelling. The RTIP shall include six one day travel vouchers for use with the relevant local public transport operator.
- 23) Prior to the first occupation of the proposed development, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate technical specification) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. No external lighting shall be installed other than in accordance with the specifications and locations set out in the approved scheme and maintained thereafter in accordance with the scheme.
- 24) Prior to occupation of the development, a Maintenance Plan detailing the maintenance arrangements, including who is responsible for different elements of the surface water drainage system, and the maintenance activities / frequencies, shall be submitted to and approved in writing by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long-term funding arrangements should also be provided. Drainage maintenance shall be carried out thereafter in accordance with the approved details. The applicant(s) or any successor(s) in title must maintain yearly Drainage Logs of maintenance which should be carried out in accordance with any approved

Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

- 25) Prior to occupation a detailed residential refuse and recycling strategy for the development, including the design and location of the refuse and recycling stores, shall be submitted to and approved in writing by the Local Planning Authority. The approved refuse and recycling stores shall be provided before the occupation of the development and thereafter permanently retained.

Pre-completion

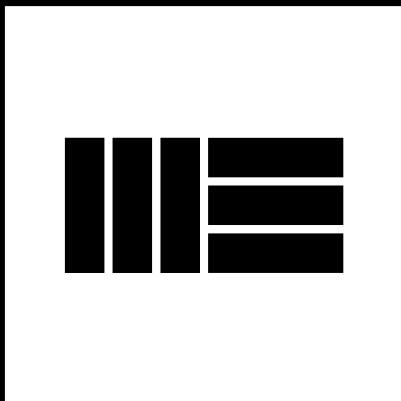
- 26) A. The development hereby permitted shall use reasonable endeavours to achieve a Gold award of the Secured by Design for Homes (2019 Guide) or any equivalent document superseding this Guide.
- B. A certificated Post Construction Review, or other verification process agreed with the Local Planning Authority, shall be provided upon completion of the development confirming that the agreed standards at A. have been met.
- C. In the event that the agreed standards at A. are not achievable then prior to completion of the development the applicant shall submit to the Local Planning Authority for approval in writing justification for this and details of the highest award of the Secured by Design for Homes (2019 Guide) or any equivalent document superseding this Guide which is achievable for the development.
- D. A certificated Post Construction Review, or other verification process agreed with the Local Planning Authority, shall be provided upon completion of the relevant Phase of the development, confirming that the agreed standards at C., as relevant, have been met.

For observation

- 27) All works shall take place in accordance with the recommendations set out in the approved Arboricultural Impact Assessment and Method Statement Ref INL20854aia-amsA Rev A dated 10/02/2022 and the associated Tree Protection Plan Ref INL-20854-03 Rev B. Any works connected with the approved scheme within the branch spread of the trees shall be by hand only. No materials, supplies, plant or machinery shall be stored, parked or allowed access beneath the branch spread or within the exclusion fencing. Any trees that are damaged or felled during construction work must be replaced with semi-mature trees of the same or similar species in the next planting season, if not sooner.
- 28) All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the updated Ecological Impact Assessment (May 2022).

=====END OF SCHEDULE=====

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WE CONSIDER OUR CREDENTIALS, HOW WE HAVE STRUCTURED OUR BID AND OUR PROPOSED CHARGING RATES TO BE COMMERCIALY SENSITIVE INFORMATION.
WE REQUEST THAT THESE BE TREATED AS CONFIDENTIAL