

22/01615/OUT - Bugle Nurseries, Upper Halliford Road, Shepperton, TW17 8SN

OBJECTIONS, 2ND FEBRUARY 2023

No.	ISSUE	RECOMMEND
1.	<p>Insufficient consideration given to views of residents, lack of effective community engagement (and support misrepresented).</p> <p>Under 7.38 and 7.39 of the Planning Statement, the applicant holds that the support of the local community is a "significant material consideration". It goes on to describe how the support of the Shepperton Residents' Association (SRA) should be regarded as "a collective view of the local community". The fact that the SRA has lodged its objection AGAINST this new planning application should therefore be duly regarded as a "significant material consideration" AGAINST approval.</p> <p>Reasoning: The Planning Statement claims that there is widespread support for their latest proposal as they say it follows from earlier engagement. This can clearly not be assumed given the differences in the proposal.</p> <p>The applicant says local support carries significant weight and makes much of the presumed support of Shepperton Residents' Association (SRA). However, whilst many locals want something better to be done with the site than what is currently the case (and the 31-unit scheme which was approved was a significant betterment), it is evident that many locals do not approve of the perceived overdevelopment suggested by the (net) 79-unit scheme. This includes the SRA, which the applicant asserts represents around 2,000 members.</p> <p>In their letter of representation loaded on to Spelthorne's Planning Portal on 22nd December 2022, the Shepperton Residents' Association has lodged its objection against the new proposal. The applicant has obviously not consulted the association prior to submitting their latest outline proposals (or, if it did, has not reflected this in their Planning Statement).</p>	<p>The applicant needs to update its planning documents to reflect its new understanding of the collective view of the local community.</p> <p>Using the accepted 31-unit scheme as a base, the applicant should work with the SRA, neighbours and other stakeholders to determine the most acceptable scheme, probably somewhere between 31 and 79 units.</p> <p>NB Ideally this should preclude changing the Green Belt boundary. If the boundary must be changed, the openness of the remaining land should be secured by legal covenant so it will remain open in perpetuity for the benefit of the local community (see point 9).</p>

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	<p>The Planning Statement clearly shows therefore that the applicant has not taken its responsibility on community involvement seriously. If it had, it would have involved the community earlier in this iteration of plans for Bugle Nurseries. Whilst the Council itself may be in lockstep with the applicant (as indicated by the exact mirroring of proposals in the Local Plan for 80-1=79 units in the HS1/009 allocation), the applicant has not taken residents with them.</p> <p>NB This also clearly shows that some Councillors are not being open with residents as to what they have signed off in the Local Plan - there is a disconnect between the Local Plan and what residents think is going on.</p> <p>Moreover, the applicant has misrepresented, or at the very least presumed, support of the local community more generally where there is little evidence of this.</p> <p>Reasoning: In its Statement of Community Engagement (dated September 2022) the applicant rather cynically claims in its Executive Summary that there is a lack of interest amongst residents regarding the future of the site. It states:</p> <p><i>"In our experience a lack of engagement, attendees or feedback demonstrates that only a minority of residents were interested in the proposed development. It is therefore clear the silent majority of residents who didn't engage or demonstrated limited interest in the plans, were either not interested or supported the plans."</i></p> <p>This is a disservice to all those residents (and councillors) who have taken a keen interest in the fate of Bugle Nurseries over the last couple of years. In this document, the applicant has chosen to focus entirely on only the last "engagement event" which was held for 4 hours one Friday afternoon in June when many would still be at work. The newsletter was effectively just a few photos of the existing site, a proposed site plan and an invite to the event. Seemingly no online consultation was offered, no email address given, and the applicant's take was that:</p> <p><i>"a lack of engagement usually demonstrates a lack of opposition towards the proposals and tacit support."</i></p>	<p>A new consultation should then be undertaken with the community and proper account taken of local residents' views, properly advertised and ideally including an online consultation.</p> <p>Also, Councillors need to be open with their residents about Local Plan proposals for their areas and what the implications are (good and bad).</p> <p>Ultimately, any new scheme for this site should be assessed on its merits versus the approved 31-unit scheme which already provides a significant betterment.</p>

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	<p>An alternative view is that there is often planning fatigue when a planning application is repeatedly submitted, people are worn down and basically 'you snooze, you lose' ... if you couldn't make 3-7pm on a Friday in June.</p> <p>Not to mention most had thought that this had been reasonably resolved on appeal.</p> <p>The reality is that FIVE outline planning applications have been submitted for this site in as many years – the last application was finely balanced at Committee, went to appeal and was ultimately successful. The Planning Committee was split with many residents FOR (with possibly a fair number wanting to lose the “bad neighbour”) and a number AGAINST - and the “bad neighbour” argument is not convincing given that the Council could and should have taken previous enforcement action (see point 2) and the approved 31-unit scheme already provides a significant betterment.</p>	
2.	<p>Too much weight given to previous owner being a "bad neighbour".</p> <p>The lack of enforcement of previous unlawfulness in relation to the site means that the previous owner being a "bad neighbour" should not be given any weight in planning terms as this, if nothing else, provides an incentive for being a "bad neighbour". NB It's noted that this aspect was given "moderate weight" in Sep 2020 (per balancing exercise described in the Nov 2020 officer's report).</p> <p>However, the 31-unit scheme already provides a significant betterment and should be used as the benchmark for comparison so the “bad neighbour” argument should fall away.</p>	<p>Ultimately, any new scheme should be assessed on its merits versus the approved 31-unit scheme which already provides a significant betterment.</p>
3.	<p>Insufficient consideration given to environmental concerns, e.g. regarding biodiversity.</p> <p>Surrey Wildlife Trust have listed a number of concerns in their statutory response and has requested further details before determination.</p> <p>To add insult to injury, the applicant states that a Biodiversity Net Gain of 10%+ could take 30 years to achieve by which point we're past 2050 and all (development) bets are off.</p>	<p>If the applicant is relying on a promise of a biodiversity net gain, then the BNG calculation should be made available for all interested</p>

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	<p>Biodiversity Net Gain (BNG)</p> <p>a Biodiversity Net Gain of 10% (minimum) is set to become mandatory in England towards the end of 2023 for all developments over a certain size although there is a transitional period (and the calculation is not clear cut)</p> <p>developments over 10 units are currently using Biodiversity Metric 3.1 which was introduced in April 2022</p> <p>a BNG assessment calculation for this application is not appended as promised in the Ecological Impact Assessment</p> <p>if the ecological plan is approved and maintained as intended, the applicant claims that a BNG of at least 10% could be achieved in 30 YEARS TIME*!</p> <p>* Section 5.4 of the EIA states:</p> <p><i>“As demonstrated within the biodiversity net gain calculations for the Site, the Proposed Development has the potential to result in a biodiversity net gain on Site of at least 10%, provided all new habitat creation is appropriately installed and maintained for at least 30 years.”</i></p> <p>Given that we can't check the BNG calculation as its not appended and that the community might have to wait up to 30 years to see a biodiversity net gain of 10% (everything else being equal), residents should rightly be concerned as to how committed the applicant is to delivering real biodiversity net gain.</p> <p>This leaves the application open to charges of greenwashing and needs significant strengthening in this area.</p>	<p>parties to properly review before anything is approved.</p> <p>An Environmental Management Plan should be secured by condition.</p> <p>Any plan needs to explain what is required by the applicant AND by the management company on completion, within 5 years, 10 years and 20 years (and beyond) to achieve any promised biodiversity net gains. It should also detail any remediation required. Realistically, anything much beyond 5 years won't be policed by planning condition and can't be guaranteed.</p> <p>More on BNG here - https://www.local.gov.uk/pas/to-pics/environment/biodiversity-net-gain-local-authorities</p>
4.	<p>Insufficient weight given to harm to Green Belt by the encroachment of the scheme and "urban creep".</p> <p>The site is still Green Belt land - it will not have escaped notice that, whilst the site is in the proposed strategic site allocations for the emerging Local Plan, no part of the site has yet been released from the Green Belt* and, if this application is approved, it's not a huge leap to thinking that the remainder of the site will be under threat from further development at some point in the future.</p>	<p>The fact that the site is not yet released means that the current NPPF rules on Green Belt development should still apply (although the intentions of the Council are clear and the</p>

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	<p>*It is accepted that proposals agreed by a majority of councillors in the emerging Local Plan carry some weight. However, no decision on the Local Plan has yet been made by the Planning Inspectorate.</p> <p>The site was only proposed for release at Stage 3 of the Green Belt Assessment in spring 2022, having been previously determined by consultants ARUP to be “Strongly Performing / Important”¹. This Stage 3 assessment was undertaken by the Council itself, was only published in July/August 2022 (partway through the Reg 19 Consultation) and has not been truly tested. Even at Stage 3, the site was considered “Strongly Performing / Important”².</p> <p>The Planning Inspector at Appeal was able to approve the 31-unit scheme under Green Belt provisions in the NPPF, which allows for limited infilling to meet local needs.</p>	<p>proposed direction of travel is TO RELEASE).</p> <p>If the Council is minded to approve the application despite the objections raised, then it should secure the remaining Green Belt area by legal covenant to ensure that it can endure in perpetuity for the benefit of the community (see also point 9).</p>
5.	<p>Conversely, too much weight is given to the "Strategic Gap" which the applicant (and Council) claim will be reinforced by allowing the change to the Green Belt boundary.</p> <p>This was not deemed an issue for the Planning Inspector at Appeal - they were quite content with their ruling to allow 31 units on the old footprint, leaving the bungalow in situ which, given the surrounding green space, maintains the view of openness from the road and provides a sufficient degree of separation - any reinforcement is therefore merely incremental (see point 9).</p>	<p>Ultimately, any new scheme should be assessed on its merits versus the approved 31-unit scheme which already provides a significant betterment.</p>
6.	<p>Insufficient consideration of sustainable transport modes.</p> <p>Whilst imposing a puffin crossing as a condition, Surrey CC appear to be actively saying in their notes to their statutory consultation response that pedestrian refuges would suffice as a crossing of the main road and yet their Climate Change Delivery Plan requires both Council and applicant to design schemes with the climate in mind. Surrey CC's views appear inconsistent and the applicant is left to decide what is appropriate rather than being guided by the Council's latest policies.</p>	<p>If the Council is minded to approve the application regardless of other objections, then there is the opportunity here to request an upgrade of the puffin crossing to a toucan crossing and the footpath to a</p>

¹ SBC Green Belt Assessment Stage 3 Report, see HS1/009 p.25-29 - https://spelthornelocalplan.info/wp-content/uploads/sby-local-media/Evidence_Base/Green_Belt/GRB007-Spelthorne-Green-Belt-Assessment-Stage-3-Report.pdf

² SBC Green Belt Assessment Stage 3 Methodology, see HS1/009, p.6 - https://spelthornelocalplan.info/wp-content/uploads/sby-local-media/Evidence_Base/Green_Belt/GRB006-Spelthorne-Green-Belt-Assessment-Stage-3-Methodology.pdf

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		<p>cycle path to tie in with Spelthorne's Local Cycling and Walking Infrastructure Plan and the government's LTN 1/20 – see SBC Climate Change Strategy 2022-2030 (Key Tasks 25, 37, 49), Surrey CC Climate Change Delivery Plan (Action 59), Spelthorne's LCWIP and LTN 1/20.</p>
7.	<p>Transport Assessment and Travel Plan are inadequate and overstate claims of sustainable location and ability to drive modal shift.</p> <p>Local roads aren't safe for cyclists - local cycle paths are badly maintained, are mostly unsegregated and not joined up. For example, Upper Halliford Road is a busy, fast road and has painted cycles on the edge of the carriageway which is not safe for cyclists (nor best practice).</p> <p>Bus services aren't good enough - the bus service (route 557) only runs once per hour. For a reasonable service and expectation of modal shift, buses need to run at least twice an hour.</p> <p>Trains are expensive and not very accessible - only Shepperton is wheelchair accessible, and the three closest stations are all at the end of the same branch line providing service into Waterloo, nowhere else in the borough.</p> <p>The Travel Plan Action Plan is benign at best, targets 5% mode-shift after 1 year and 1% mode-shift annually thereafter (until Yr 5) and will not make any meaningful difference. As such the Travel Plan should carry no weight.</p> <p>NB The Design & Access Statement states (on p.46): "A network of footways and cycle ways will be provided through the development area and open space ..." but the cycle ways have not been identified on the plans as far as can be seen and are not discussed in the Transport Statement or Travel Plan.</p>	<p>The Transport Assessment and Travel Plan require improvement and should reflect at best a 'good' level of accessibility rather than the 'high' level claimed in 4.23 of the Transport Assessment and in 2.23 of the Travel Plan.</p> <p>The Travel Plan Action Plan requires more meaningful targets to be effective.</p> <p>can the officer confirm the network of cycle ways on site (as the Planning Portal is currently not available to double-check).</p>

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8.	<p>Proposed parking provision is insufficient.</p> <p>Car parking - given current structural issues with bus provision and other sustainable modes, as well as range of employment of future residents who might have work/trade vehicles, proposals are unrealistic in the short to medium term. The Transport Assessment acknowledges in Section 5.19 that based on an earlier scheme <i>"it is considered likely that some on-street parking will take place."</i> It is disingenuous to assume that on-street parking won't cause an issue in the short/medium term.</p> <p>Cycle parking – 1 bike per residential apartment unit is just ticking a box and does not represent encouragement for modal shift to sustainable transport when families of 2, 3 or 4 won't have sufficient secure space to put their bikes.</p>	<p>Reduce scale of development and make more realistic car parking provision in the short-term which can be transferred to parking for other modes as sustainable transport initiatives kick in (e.g. more cycle spaces, more motorbike spaces, potentially more scooter spaces or car-club spaces).</p>
9.	<p>The incremental benefit of this new application for 79 new homes vs. the application granted on appeal for 31 new homes does not offset the incremental harm.</p> <p>The applicant refers to the extant application many times when it suits their argument to do so but does not do consistently. The new application should be consistently compared to the extant application to demonstrate incremental betterment (not just when it suits them to do so).</p> <p>Extant application (for 31 units granted on appeal) does a lot of what the new application says it does => not a big improvement here APART perhaps from slightly stronger Green Belt boundary ("Strategic Gap") Offset against this is the proposed change to the Green Belt boundary and the inherent risk that, by partial release, the role of the site as Green Belt will be further weakened and lay it open to further development, contrary to Chapter 13 of the National Planning Policy Framework (NPPF) on "Protecting Green Belt Land", para 140 and para 143 (e)³.</p>	<p>Ultimately, any new scheme should be assessed on its merits versus the approved 31-unit scheme which already provides a significant betterment.</p> <p>If the Council is minded to approve the application despite the objections raised, then it should secure the remaining Green Belt area by legal covenant to ensure that it can endure in perpetuity for the benefit of the community.</p>
10.	<p>Insufficient weight given to imminent planning reforms to the NPPF (and the Council's insistence it must meet a government housing target (which is not a target)).</p>	<p>It is unclear what the outcome of the current consultation on</p>

³ NPPF, see paras 140 and 143 (e) - <https://www.gov.uk/guidance/national-planning-policy-framework/13-protecting-green-belt-land>

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	<p>Given that the NPPF is currently under review, MP Michael Gove's ministerial statement from December 2022 carries weight and should be considered a material planning consideration.</p> <p>consultation out now changes to NPPF likely by summer material considerations - Green Belt, community control, design and local circumstances</p>	<p>planning reforms will be and what impact any changes will have.</p> <p>In any event, planning approval should be withheld until the land has been formally released from Green Belt. To do otherwise would set a precedent for other applicants who are pushing for their Green Belt sites to be developed.</p>
11.	<p>Insufficient consideration given to the Council's new Climate Change Strategy 2022-2030.</p> <p>In October 2020, Spelthorne Council declared a Climate Emergency. More stringent adherence to current best practice is required for this and all other new developments.</p>	<p>See in particular SBC's Climate Change Strategy 2022-2030, Key Tasks 25, 33, 36, 37, 44. 49, 53, 55.</p>
12.	<p>Insufficient infrastructure which fails to keep pace with development.</p> <p>Infrastructure has not kept pace with development in the borough and this development (79 new homes vs. 31) will add to pressures on local roads, services, utilities, and the environment. There will be an extra 48 new homes compared to the approved scheme. What is the difference in infrastructure provision between the 31-unit scheme and 79-unit scheme in terms of CIL and Section 106 Agreements?</p> <p>One-off CIL and Section 106 payments are never enough to cover the growing burden. The Infrastructure Delivery Plan is incomplete, inaccurate in places and was out of date when it was published.</p> <p>Sustainable transport improvements and 20-minute neighbourhoods are still mainly on the drawing board, largely unfunded and in reality most are a long way off, if they ever come.</p>	<p>The Council needs to stop paying lip-service to the environment, the Climate Emergency, sustainable transport, 20-minute neighbourhoods, the pleas of residents and ensure there is proper engagement with the local community on this and other schemes.</p> <p>The Council needs to make a full and proper assessment of infrastructure requirements and how they will be funded.</p>

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13.	<p>Further information required on proposed housing and affordable homes.</p> <p>My understanding is that new affordable units will be secured by Section 106 agreement. Can this be confirmed?</p> <p>NB The Officer's report (Nov 2020) for the approved 31-unit scheme promised 15 units of affordable housing and stated in Section 7.11 (p.7):</p> <p><i>"7.11 With regard to the benefit of housing, officers have already recommended that this be given significant weight in its favour. It is important to note that the level of affordable housing provided on the site is only just policy compliant. It is not in excess of the requirement of Policy HO3 (50%) of the Core Strategy and Policies DPD and consequently it would not be considered rational to give greater weight to this particular benefit. Housing need itself is very unlikely to outweigh the harm."</i></p> <p>How much weight should be given to the (incremental) affordable housing if it is not exceeding outgoing or emerging policy?</p>	<p>Please ask applicant to provide further detail.</p> <p>Please can the officer confirm.</p>
14.	<p>Further information required on upkeep and maintenance of roads and open space.</p> <p>My understanding is that the roads will not be adopted by Surrey County Council. Please can this be confirmed and, if roads are not adopted, what implications will this have for residents (and visitors to the public open space wishing to park)?</p> <p>My understanding that the landowner (and not the Council) will be responsible for the public open space. Please can this be confirmed and who will then be responsible for maintenance of the public open space and how will the upkeep be funded (e.g. mowing, litterbins and rubbish collection, lighting, public liability insurance)?</p>	<p>Please ask applicant to provide further details.</p>
15.	<p>Further information required on changes in footprint.</p> <p>The Planning Statement, Section 4.7 (p.8), states that versus existing, the building footprint (residential buildings and garages) will increase by 3,060 sqm (+281.5%) and the green space will increase by 2,227 sqm (+6.7%)*. It is not immediately apparent from the Planning Statement where these gains will come from as it shows that the hardstanding will reduce by only 962 sqm.</p>	<p>Please ask applicant to provide further detail.</p>

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	<p>The difference (5,287 – 962 = 4,325 sqm) is confirmed in the Design and Access Statement (p.57) which claims a reduction to zero of the waste transfer area which is largely earth and grassed over.</p> <p>Notwithstanding that the waste transfer area is being remediated, please can it be confirmed that the proposal would see the effective net loss of approx. (3,060 – 962 =) 2,098 sqm of open space?</p> <div><div><table><tr><th></th><th>Existing</th><th>Proposed</th><th>Difference</th></tr><tr><td>Footprint</td><td>1,087 sqm</td><td>4,147 sqm</td><td>+ 3,060 sqm (+281.5%)</td></tr><tr><td>Floorspace</td><td>1,087 sqm</td><td>6,948 sqm</td><td>+ 5,861 sqm (+539%)</td></tr><tr><td>Hardstanding</td><td>9,503 sqm</td><td>8,541 sqm</td><td>- 962 sqm (-10.1%)</td></tr><tr><td>Green Space</td><td>33,110 sqm</td><td>35,337 sqm</td><td>+2,227 sqm (+6.7%)</td></tr></table></div><div><p>Existing and Proposed Areas and Volumes</p><table><tr><th></th><th>Existing</th><th>Proposed</th></tr><tr><td>Footprint**</td><td>1087 sqm</td><td>4147 sqm</td></tr><tr><td>Floor space</td><td>1087 sqm</td><td>6948 sqm</td></tr><tr><td>Volume***</td><td>3500.7cbm</td><td>25234 cbm</td></tr><tr><td>Hardstanding area****</td><td>9503 sqm</td><td>8541 sqm</td></tr><tr><td>Green space</td><td>33110 sqm</td><td>35337 sqm</td></tr><tr><td>Waste transfer</td><td>4346 sqm</td><td>0 sqm</td></tr><tr><td>Adopted Highways</td><td>283 sqm</td><td>283 sqm</td></tr></table><p>**Floor space', 'Volume', 'Hardstanding area' and 'Green space' are indicative and approximate.</p><p>**Footprint includes any residential buildings and garages.</p><p>***Volume calculation includes houses, maisonettes and garages but excludes car ports, substation and all roof spaces.</p><p>****Hardstanding area includes roads, paths, car parking and driveways, cycle stores and substation.</p></div></div> <div><div><p>Planning Statement, p.8 (extract)</p><p>* NB Per the Officer’s Report (Nov 2020) for the consented scheme (section 7.108, p.43), the above compares unfavourably to an apparent reduction in hardstanding in the consented scheme of 60% to 3,545 sqm (from 9,503 sqm) and an apparent increase in the amount of green space in the consented scheme of 30%.</p></div><div><p>D&A Statement, p.57 (extract)</p></div></div>		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%)		Existing	Proposed	Footprint**	1087 sqm	4147 sqm	Floor space	1087 sqm	6948 sqm	Volume***	3500.7cbm	25234 cbm	Hardstanding area****	9503 sqm	8541 sqm	Green space	33110 sqm	35337 sqm	Waste transfer	4346 sqm	0 sqm	Adopted Highways	283 sqm	283 sqm	<p>Please can the officer confirm the relative land use benefits of the two schemes (as the Planning Portal is currently not available to double-check).</p>
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