

SPELTHORNE BOROUGH LOCAL PLAN 2001 'SAVED' POLICIES AND PROPOSALS

**as at
28 September 2007**

March 2008

**Planning Services
Strategic Directorate (Community)
Borough of Spelthorne
Council Offices
Knowle Green
Staines
Middlesex
TW18 1XB**



1. Introduction

- 1.1 This document sets out those policies and proposals in the Spelthorne Borough Local Plan 2001 that have been 'saved' by virtue of a direction by the Secretary of State. Relevant background information is also included.

2. Background

- 2.1 Spelthorne Borough Council adopted the Spelthorne Borough Local Plan in April 2001. In December 2004 it adopted alterations to Policies H5 and H6.
- 2.2 The Planning and Compulsory Purchase Act 2004 introduced a new system of plan making called Local Development Frameworks. As part of the new system all existing Local Plans expired on 27 September 2007 unless the Secretary of State directed that specific policies or proposals should be 'saved' beyond that date.

3. Saved Policies

- 3.1 Following an application by the Council in March 2007, the Secretary of State issued a direction on 21 September 2007 that eight policies and five proposals in the Local Plan should be 'saved'. A copy of the 'direction' is set out at Appendix A.
- 3.2 The 'saved' policies and proposals are set out at Appendix B. In this appendix the original supporting lower case text to the policies and proposals is included for information together with the relevant appendices from the Local Plan which set out the schedules of related sites. However, only the policies and proposals, which are identified in bold text, are 'saved' and have a legal status as part of the Council's development plan. The 'saved' policies remain as part of the Council's development plan until such time as it resolves that they should no longer apply.
- 3.3 Several of the policies and all of the proposals have notations or site boundaries which are set out on the Local Plan Proposals Map. These notations and boundaries are also 'saved' and those parts of the Proposals Map remain valid. Those parts of the Proposals Map are not reproduced in this document and reference must be made to the original map – either the digital version on the Council's website or the paper copy which is available to inspect or purchase at the Council Offices.

APPENDIX A – Secretary of State's 'direction' of 21 September 2007

Mr John Brooks
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21 September 2007

Our Ref: 4/11/2
Your Ref:

Dear Mr Brooks

PLANNING AND COMPULSORY PURCHASE ACT 2004 SPELTHORNE BOROUGH LOCAL PLAN 2001 SAVED POLICIES APPLICATION

I am writing with reference to your application on behalf of Spelthorne Borough Council of 7 March for a direction under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 in respect of policies in the Spelthorne Borough Local Plan.

The Secretary of State's Direction is attached. Those policies not listed in the Direction will expire on 27 September 2007.

The Secretary of State's assessment of whether saved policies should be extended is based upon the criteria set out in Planning Policy Statement 12: *Local Development Frameworks* and the Department for Communities and Local Government protocol on saving policies. The Secretary of State's decisions concern some policies where there have been representations from a third party expressing views that differ from those of the local authority. Also, her decisions in respect of some policies have the effect of saving policies that the authority requested should not be extended. For clarity, where either or both of these two circumstances apply, the Secretary of State's reasons are set out in the table at the end of this letter.

The extension of saved policies listed in this Direction does not indicate that the Secretary of State would endorse these policies if presented to her as new policy. It is intended to ensure continuity in the plan-led system and a stable planning framework locally, and in particular, a continual supply of land for development.

Local planning authorities should not suppose that a regulatory local plan-style approach will be supported in forthcoming development plan documents (DPDs).

LPAs should adopt a positive, spatial, strategy-led approach to DPD preparation and not seek to reintroduce the numerous policies of many local plans.

The exercise of extending saved policies is not an opportunity to delay DPD preparation. LPAs should make good progress with local development frameworks according to the timetables in their local development schemes. Policies have been extended in the expectation that they will be replaced promptly and by fewer policies in DPDs. Maximum use should be made of national and regional policy especially given the development plan status of the regional spatial strategy.

Following 27 September 2007, the extended policies should be read in context. Where policies were adopted some time ago, it is likely that material considerations, in particular the emergence of new national and regional policy and also new evidence, will be afforded considerable weight in decisions. In particular, we would draw your attention to the importance of reflecting policy in Planning Policy Statement 3 *Housing* and the Housing Green Paper – *Homes for the future: more affordable, more sustainable* in relevant decisions.

Policy Ref	Reason	Extended	Not Extended
GB1	The protocol for handling proposals to save adopted plan policies states that the Government will have particular regard to policies on Green Belt general extent in structure plans and detailed boundaries in local plans/unitary development plans. The Council's submissions that this policy should be retained are accepted. It would be more appropriate to explore whether any review of the Green Belt boundary is needed through the local development framework process.	√	

Yours sincerely

John Cheston
Senior Planning Officer

**DIRECTION UNDER PARAGRAPH 1(3) OF SCHEDULE 8 TO THE PLANNING
AND COMPULSORY PURCHASE ACT 2004**
POLICIES CONTAINED IN THE SPELTHORNE BOROUGH LOCAL PLAN
ADOPTED APRIL 2001

The Secretary of State for Communities and Local Government in exercise of the power conferred by paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 directs that for the purposes of the policies specified in the Schedule (1) to this direction, paragraph 1(2)(a) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 does not apply.

Signed by authority of the
Secretary of State

John Cheston
Senior Planning Officer
Housing and Planning Directorate
Government Office for the South East

21 September 2007

SCHEDULE

POLICIES CONTAINED IN THE SPELTHORNE BOROUGH LOCAL PLAN 2001

Policy Number	Policy Title/Purpose
GB1	Development proposals within the Green Belt
RU11	Nature Conservation and Ecology
RU14	Nature Conservation and Ecology
BE24	Archeology, Ancient Monuments and Historic Landscapes
BE25	Archeology, Ancient Monuments and Historic Landscapes
BE26	Archeology, Ancient Monuments and Historic Landscapes
RU8	Plotland Areas
BE14	Urban Open Space
P7	Housing Proposal – Land west of Village Hall, Park Road, Stanwell
P8	Housing Proposal – 582-604 London Road, Ashford
P11	Housing Proposal – Former Staines West Station Goods Yard and Timber Yard, Wraysbury Road, Staines
P12	Housing Proposal – Depot 28-44 Feltham Road, Ashford
P17	Land west of Elmsleigh Centre, Staines

APPENDIX B – Saved Local Plan Policies and Supporting Text

POLICY GB1 – Green Belt

“Development Proposals within the Green Belt

- 2.11 PPG2 advises that the construction of new buildings inside a Green Belt is inappropriate unless it is for agriculture, forestry, outdoor sport, outdoor recreation, cemeteries, limited extension, alteration or replacement of existing dwellings, or other uses of land which preserve the openness of the Green Belt. Where development contrary to Green Belt policy is approved there must be very special circumstances. PPG2 (para. 3.5) makes clear that in respect of outdoor sport, outdoor recreation, cemeteries and other uses which preserve the openness of the Green Belt, such facilities should be essential and be genuinely required and not conflict with the purposes of including land in the Green Belt. The guidance gives examples of such facilities including small changing rooms, unobtrusive spectator accommodation for outdoor sport and small stables for outdoor sport and outdoor recreation. In respect of limited extensions or alterations PPG2 (para. 3.6) makes clear such additions should not be disproportionate over and above the size of the original building and in the case of replacement dwellings the new dwelling is not inappropriate so long as it is not materially larger than the dwelling it replaces.
- 2.12 Where the re-use of buildings in the Green Belt is proposed PPG2 (para. 3.8) explains this is not inappropriate development providing:-
- (a) it does not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land in it;
 - (b) strict control is exercised over the extension of re-used buildings, and over any associated uses of land surrounding the building which might conflict with the openness of the Green Belt and the purposes of including land in it (e.g. because they involve extensive external storage, or extensive hardstanding, car parking, boundary walling or fencing);
 - (c) the buildings are of permanent and substantial construction, and are capable of conversion without major or complete reconstruction; and
 - (d) the form, bulk and general design of the buildings are in keeping with their surroundings. (Conversion proposals may be more acceptable if they respect local building styles and materials, though the use of equivalent natural materials that are not local should not be ruled out).
- 2.13 Engineering or other operations, including material changes in use, are inappropriate unless they maintain openness and do not conflict with the purposes of including land in the Green Belt (PPG2 para. 3.12).
- 2.14 Within the Green Belt in Spelthorne there is a limited amount of commercial and residential development, much of which existed prior to Green Belt designation. In seeking to prevent any inappropriate development within the Green Belt, the Council will strictly control the redevelopment or extension of any buildings within it. In addition, the Council will seek to ensure that the visual amenities of the Green Belt will not be injured by proposals for development within, or conspicuous from, the

Green Belt which, although not prejudicial to its main purpose, might be inappropriate by reason of siting, materials or design.

- 2.15 Within the Green Belt there is some existing development which would not be permitted today under current policy. From time to time there are proposals to redevelop such sites. Where such buildings and the associated activity might otherwise remain for the foreseeable future, there can be merit in redevelopment which enables the site to make a more significant contribution to Green Belt objectives. Such exceptional cases would constitute 'departures' from this plan but will be considered carefully where significant environmental benefits might accrue. Such applications would normally have to be referred to the Secretary of State. The above advice needs to be considered in conjunction with Policy GB4 which deals with the reuse of buildings in the Green Belt.
- 2.16 Having regard to the advice in PPG2 summarised in the preceding paragraphs the following policy toward development in the Green Belt will be applied.

POLICY GB1

The Green Belt shown on the Proposals Map will be permanent and within it development will not be permitted which would conflict with the purposes of the Green Belt and maintaining its openness. Subject to the above, development will not be permitted except for uses appropriate to the Green Belt, comprising:-

- (a) agriculture and forestry**
 - (b) essential facilities for outdoor sport and recreation, for cemeteries, and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it**
 - (c) limited extension, alteration or replacement of existing dwellings**
 - (d) appropriate re-use of buildings (see also Policy GB4)**
 - (e) appropriate engineering and other operations**
- 2.17 PPG2 states that Local Plans may identify major existing developed sites in the Green Belt. Where, on such identified sites, proposed development meets the criteria in the guidance, the construction of new buildings may not be inappropriate. The Council has considered all land in the Borough in the light of the PPG and concluded there are no sites within the Borough which should be designated in the Local Plan. The Inspector who conducted the Inquiry into objections to the Deposit Draft of this Plan also came to this conclusion.
- 2.18 Within the Borough's Green Belt, Thames Water has a substantial land holding and range of facilities related to the storage, transfer and treatment of drinking water. It has a major water treatment works at Ashford Common occupying a site of some 52.6 hectares. The works are one of four major strategic water works in the west of London. The Ashford Common Treatment Works are connected to the London Ring

Main and have an important role in providing approximately 590 mega-litres of drinking water per day for the capital and surrounding areas, including part of the Borough itself.

- 2.19 The water industry is subject to a variety of European Commission and National Statutory Regulations governing both standards of water purity and operation. The scale and nature of treatment facilities and connection to the supply and distribution system is such that relocation is not likely to be an option therefore new requirements must generally be met at existing sites in the form of infilling and alterations. A significant upgrade of facilities at Ashford was completed in 1994 to meet the requirements of the EC Drinking Water Directive. Advice to Local Authorities on the handling of proposals to meet this Directive was given in Circular 17/91 'Water Industry Investment - Planning Considerations'. It emphasised the importance of enabling water companies to meet tight deadlines; the need for them to carefully consider the design of buildings, other installations and their impact on the environment; and that local authorities should recognise their locational constraints.
- 2.20 Such development is normally inappropriate within Green Belts requiring very special circumstances to be demonstrated. However, the Council acknowledge the importance and fixed nature of Thames Water's facilities at Ashford Common Water Treatment Works, and the principle of special regard established in Circular 17/91 in respect of such undertakings, requires sympathetic and expeditious consideration to be given to proposals for their maintenance and improvement. The detail of specific proposals will be assessed against Policy BE35 having regard to the need to protect as far as possible the openness of the Green Belt".