

Runnymede Borough Council

PLANNING COMMITTEE

Wednesday 14 December 2022 at 6.30 pm

A D D E N D U M

Item 5(b): RU.22/0454 Ottershaw East (housing)

6. Consultation responses

An updated response has been received from Natural England raising no objection to the development subject to the provision of the SANG submitted under RU.22/0479 and financial contributions towards the SAMM.

A letter of representation has been received from the Ottershaw and West Addlestone Residents Association raising the following concerns:

- If approved this development will be a mistake on the scale of Strawberry Fields Addlestone.
- Inappropriate density as already seen at Brox End Nursery.
- Harmful highway impacts on Brox Road and its users.
- Development will result in parking on both sides of Brox Road during peak times which contradicts policy in the local plan.
- There should be less housing and improved on-site parking (including for the SANG).
- Fully support objections already raised by residents, the Brox Road Action Group and the Ottershaw Neighbourhood Forum.
- No account has been made of aircraft noise.
- The Gypsy and Traveller Pitches must remain in the ownership of the council.
- Reject or defer these applications and request a design that permits practical parking requirements rather than some misguided illusion of what is required.

Update planning condition 4 – List of approved plans to include ‘Document Transmittal Sheet’ Job Number 7126 received 09.12.2022 and remove reference to the ‘Document Transmittal Sheet’ Job Number 7126 received 01.12.2022.

Include an additional condition as outlined below:

No additional windows

Notwithstanding the provisions of Classes A, B and C of Schedule 2, Part 1 and of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any orders amending or re-enacting that Order with or without modification, no additional first floor windows, dormer windows, roof lights or other openings shall be formed in the rear elevation of the dwelling within plot 46 hereby approved including the roof (other than those expressly authorised in the drawings) without the consent in writing of the Local Planning Authority.

Reason: In the interests of the amenities of the occupiers of the adjoining residential property and to comply with Policy EE1 of the Runnymede 2030 Local Plan and guidance within the NPPF.

Item 5(c): RU.22/0479 Ottershaw East (SANG)

6.Consultation responses

Additional comments have been received from the West Surrey Badger Group (WSBG) raising concerns regarding the impact of the development on existing badger setts. The WSBG confirm that the council has a legal requirement to ensure that badgers and their setts are protected under section 3 of The Protection of Badgers Act 1992 and the walkway around the area of SANG should be repositioned if it passes too close to the Setts. The WSBG have also requested that they undertake an onsite survey to inform the application.

Officers comments: Paragraph 7.21 of the Committee Report confirms that an updated badger survey is recommended to be undertaken prior to the commencement of the development. This will provide up to date evidence of badger activity across the site and will secure any proposed mitigation or revisions to the layout of the SANG and the associated pathways. This approach has been agreed with the Surrey Wildlife Trust and will be secured by condition.

Updated comments have been received from Natural England raising no objection subject to the delivery of the proposed SANG which should be secured by an appropriate planning condition or obligation.

An additional letter has been received from the Brox Road Action Group highlighting the need to protect the badger setts from the extra people and dogs entering the SANG (Officers comments: Please see comments above).

A letter of representation has also been received from the Ottershaw and West Addlestone Residents Association raising the following concerns:

- If approved this development will be a mistake on the scale of Strawberry Fields Addlestone.
- Harmful highway impacts on Brox Road and its users
- Development will result in parking on both sides of Brox Road during peak times which contradicts policy in the local plan.
- There should be less housing and improved on site parking (including for the SANG)
- Fully support objections already raised by local residents, the Brox Road Action Group and the Ottershaw Neighbourhood Forum
- No account has been made of aircraft noise.
- Concerns regarding illegal parking on adjacent private land such as Brox Lane or Bousley Rise) with respect to users of the SANG. How will RBC help its residents in their efforts to take action to prevent this.
- Reject or defer these applications and request a design that permits practical parking requirements rather than some misguided illusion of what is required.

Item 5(d): RU.21/1167 Padd Farm, Hurt Lane

Updates

- Paragraph 7.15 of the Officer Report (Pages 151 and 152 of the agenda) sets out that the applicant had responded to a request from the County Highway authority for more information on the trip rates of the existing use and available passing points for HGV, and that further comments from the CHA were awaited. The CHA has now responded and have confirmed they are satisfied with the information submitted in respect of these issues and do not raise any objections to the development subject to conditions.
- Paragraph 7.22 of the Officer Report (page 153 of the agenda) sets out that the Surrey Wildlife Trust had raised a question regarding the designation of the woodland on site. The applicant has now responded to this, confirming that the woodland on site can be amended to Lowland Mixed Deciduous Woodland, which is a Habitat of Principle Importance, however as this habitat is being retained this will not impact on the result of the biodiversity net gain assessment. Officers are satisfied with this response and consider that a net gain in biodiversity can be achieved across the site.

Change to very special circumstances assessment

The Main report sets out the assessment of the very special circumstances case made against the harm of the development on the Green Belt. This is set out within the table on pages 155, 156 and 157 of the agenda, however the supporting text within the 'weight afforded' column had not been updated in relation to additional Sustainability & Energy Efficiency and Biodiversity information received. An updated assessment of these benefits has therefore been set out below.

Benefits	Weight afforded
Sustainability & Energy Efficiency - The applicant states that the development will use solar panel clean-energy equipment for its own use and develop emerging products for market use which will deliver energy saving benefits to the local economy and the wider construction industry generally. The Green Belt Sustainability Note (<i>May 2022</i>) explains how the proposed new facility will allow for research and development activities such as for light weight sectional steel structures using low carbon production methods and the integration of solar panel systems into scaffolding. An Energy Statement has also been submitted, prepared by Doherty Energy, and dated 23 rd Nov 2022, which sets out how the energy	Limited weight – The Energy Statement sets out that solar panels could be installed on the main roof of each building and suggests that this in combination with a low energy demand heating system would achieve the 10% energy demand reduction for this site to be met. However, no additional information has been provided on the research and development activities that will be carried out other than a few lines within the Design & Access Statement and the Planning Statement. The Energy Statement sets out that in following the energy hierarchy a total energy saving of 13.48% will be achieved, which is a benefit of the scheme, however as this is a policy requirement only limited weight can be afforded.

<p>demand will be decreased on site taking into account the energy hierarchy of:</p> <ol style="list-style-type: none"> 1) Be lean; use less energy 2) Be clean; supply energy efficiency 3) Be green; use renewable energy 	
<p>Biodiversity – The area to the south of the site is to be provided as an area of natural greenspace. The Green Belt statement refers to an Ecological Impact Assessment and concludes that the proposed development will have a beneficial effect on woodland, trees and hedgerows, and provide opportunities for significant ecological enhancement. A biodiversity net gain report/calculator has also been submitted, prepared by Sweco UK Ltd, and dated 11/11/2022.</p>	<p>Limited weight – The biodiversity net gain report and calculator demonstrate that a net gain of 10.98% will be achieved across the site, however as providing net gains in biodiversity is a policy requirement, only limited weight can be afforded to this benefit.</p>

Whilst additional information has been submitted in relation to Sustainability & Energy Efficiency and Biodiversity, allowing for additional weight to be afforded to these benefits, the overall package of benefits from the proposed development do not outweigh the harm to the Green Belt identified in paragraphs 7.2 – 7.7 of the Officer Report (pages 149 and 150 of the agenda), to which substantial weight must be afforded. Very special circumstances are therefore not considered to exist, and the proposal remains contrary to paragraphs 147, 148, 149 and 150 of the NPPF and policy EE19 of the Local Plan.

Additional letter of representation

An additional letter of representation from a local resident has been received. This letter is generally in support of the development, although makes suggestions regarding the design and position of buildings within the site and the location of noise generating activities so as to protect visual and residential amenity. The letter lists the following benefits in support of the application:

- Remediation of the site and management of contaminated land
- Removal of unsightly and unlawful materials, buildings and intrusive sections of hardstanding
- Provision of a comprehensive and managed landscape scheme
- Improvement to the ambience of amenities for existing local residents

Officers have considered this letter and the suggested benefits of the scheme, however as set out above and within paragraph 7.33 of the Officer Report (page 158 of the agenda) the benefits of the scheme are not considered to outweigh the harm to the Green Belt, which must be afforded substantial weight.

Item 5(e): RU.21/2050 30 The Causeway

Update

Section 1. Summary of recommendation should state that “It is recommended the Planning Committee authorises the CHDMBC to REFUSE the planning application” (as per section 10 which provides the formal officer recommendation.)

“Additional” affordable housing

In an email dated 11.10.2022 the applicant’s planning agent, confirmed that the Affordable Housing provider, Sovereign Housing had been appointed delivery partner for the applicants. This email set out that whilst a percentage of affordable housing would be secured within the s106 (34 units 12.5%), the site would actually deliver (136 units 50%) affordable housing with the remainder provided outside the s106 due to grant funding restrictions.

However, in a further email dated 06.12.2022 the applicant’s planning agent then states that this would be circa 125 affordable units, 46% overall provision. These details did not form part of the original planning submission, and these emails are the only offers that have been provided regarding this “additional” affordable housing. Furthermore, no details have been provided regarding if and how it would be secured, aside from being clear it would not form a planning obligation.

The Committee Report has considered the affordable housing offer which has been presented through the viability evidence, this is set out in paragraph 3.4 of the Committee report as being 34 units contained in blocks V2 and V4. This is the only affordable housing provision which would be secured by way of a planning obligation/legal agreement.

The additional affordable housing units which the applicants contend will be provided as part of this proposal through grant funding would not be secured by way of legal agreement. The nomination rights and who would be eligible for this additional affordable housing provision is also unknown. Therefore, whilst this “additional” affordable housing is a material consideration Officers, as a matter of planning judgement, recommend that Members give this limited additional weight as a benefit of this scheme as it is not possible to secure its delivery as part of the planning application. For the avoidance of doubt this additional limited weight provided is in addition to the moderate weight already attributed in the policy required AH in the planning balance.

The “fall back” position and extant consents

Fallback positions and extant permissions are a material consideration. In making the assessment in the Committee Report Officers have had full regard for the “fallback position” and extant consents that mean that the existing office buildings on the site could be converted to residential under prior approval.

The applicant has raised concerns that they do not consider that the report makes clear enough that fallback positions and extant consents are material considerations. Whilst officers have given regard to this matter and have been aware of the extant consents during deliberations it is agreed that it should have been made clearer what regard was given to these considerations. Furthermore, it should be made clear what weight (if any) is attributed to these matters in the planning balance.

The extant position involves:

- RU.21/0483 Lakeside East- 28 residential units
- RU.21/0482 Lakeside House 36 residential units (it is noted that as an oversight this specific prior approval was omitted from the planning history section of the officer report)
- RU.21/0484 Lakeside West- 39 residential units.

Overall, these prior approval application(s) would enable the site to deliver 103 residential units.

In reference to loss of employment space officers have given full weight to the fact that this employment space could be lost under the extant consent.

The fact that each of the existing office buildings on this site could be converted to residential under prior approval has been given significant weight as a material consideration with regards employment and as a result no objection has been raised on this basis, where relevant in the Committee Report. It is largely for this reason that the loss of office floor space has been accepted in the Committee Report assessment despite the site being a Strategic Employment area.

The Committee Report has had full regard for the benefits that this proposed planning application would bring which do include (but not exhaustive): affordable housing, community infrastructure levy and some landscape enhancements. The fact that these benefits are not able to be secured as part of the prior approval applications are too recognised. However, given the substantive concerns regarding the design approach to this planning application it is not considered that this planning application would offer a better or even similar outcome for this site as the fallback positions and extant consents. Even applying credit that potentially sub-optimal prior approval schemes could remain on site the character harm caused by the proposed scheme is still considered by officers to be **substantial**.

It is possible that an alternative future scheme, which is better designed (and potentially at a lower quantum of development) might be considered less harmful or even beneficial in planning terms and therefore in such a hypothetical scenario weight for such a scheme could be attributed in favour of such a scheme or the harms could be less. Such a scheme however is not currently before the Council and not subject to this decision.

As decision maker members may or may not have a differing view on the merits of the proposal or extant schemes, due regard to lawful extant alternatives should be given in members minds when making their collective decision.

It is not considered that the implementation of this planning application, as opposed to the fall back position, would be a “benefit” that would weigh in favour of this planning application. Indeed., it is considered the proposed scheme would cause substantial harm. As such the harm caused to character and by poor design is still considered to be substantial.

The Environment Agency position

The applicant has indicated that they believe the EA are likely to withdraw their objection, however the EA has not provided the Council with any information to indicate that this is the

case. As such the Council's position with regards this objection from the statutory consultee on flooding is unchanged.

Conclusions (to be read in conjunction with section 9 of the officer report):

Officers recommend that in terms of recommended changes or additional weight to be added or removed from the planning balance the following is given consideration:

- The additional affordable housing, which has no proposed mechanism to secure it and is expressly indicated in the emails to not form a part of the planning obligations legal agreement, should be given **limited additional weight in favour of the scheme** (on top of the moderate weight already attributed to the policy compliant element)
- The fallback position and extant permissions should be given regard with regards the loss of employment land this is already set out in paragraph 9.1 of the recommendation. Whilst there is identifiable harm to employment space loss, **no weight against** the scheme should be attached to that harm due to the fallback position.
- With regards the fall back position and extant permissions, it is not considered that the proposed scheme leads to betterment in character or design terms for the site because it has its own substantial shortcomings in these areas. Some relatively moderate weight should be given to the fact that the retention of the fall back schemes is not optimal design and could remain in perpetuity, however when balanced against the shortcomings of the application scheme the level of harm on design grounds is still considered substantial (even having taken in to account the effect of the extant schemes). Whilst the rationale is now better explained this is effectively an unchanged position.
- CIL contributions and other benefits identified in the officer report and planning submission are a material consideration that benefit should be attached to. The significant increase in dwelling numbers will however place pressures on infrastructure so the exact net gain is difficult to precisely quantify, as such the level recommended by officers is **limited to moderate weight in favour of the scheme**.

The planning balance:

Additional limited and moderate benefits have been identified that were not expressly identified in the planning balance section 9 of the report. Either individually or in cumulatively with all other benefits identified previously in the report or planning submission these do not outweigh the substantial harm identified. It is considered that the harms identified continue to substantially outweigh the benefits of the proposal and as such the recommendation remains to refuse the planning application.

Members should give regard to all of these matters and all other material considerations in their deliberations.