

COMMITTEE AGENDA REFERENCE: 5B

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| APPLICATION REF: | RU.23/0557 |
| LOCATION | Land East of Highcross Place, Chertsey, |
| PROPOSAL | Reserved matters submission in relation to appearance and landscaping for RU.18/0443 - Erection of 48 dwellings |
| TYPE | Reserved Matters |
| EXPIRY DATE | 11/07/2023 |
| WARD | Chertsey Riverside |
| CASE OFFICER | Justin Williams |
| REASON FOR COMMITTEE DETERMINATION | Major application |
| <i>If you have questions about this report please contact Ashley Smith, Victoria Gibson or the case officer.</i> | |

1. SUMMARY OF RECOMMENDATION

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| It is recommended the Planning Committee authorises the Head of Planning: | |
| 1. | Grant subject to conditions. |

2. DETAILS OF THE SITE AND ITS SURROUNDINGS

- 2.1 The red line application site has an area of some 1.1ha. The majority of the site is a wedge of land varying in width from some 40m at its widest (adjacent Highcross Place) to 10.7m opposite the end of Laburnum Road (at its eastern end). The red line also includes a boot of land through the Bellway development (RU.15.0855 and RU.15/1198) which is now largely occupied and is sited to the south of the application site and either side of the access road. Access to the site is along Kennett Lane, onto Highcross Place to the end of Pretoria Road (where the road is adopted) and through to the site to the South of Hanworth Lane which is under construction (RU.18/1280)
- 2.2 The railway (unfenced) runs along the northern boundary of the main 'wedge part of the site, with the Laburnum Road properties on the other side of the railway line. The properties in Laburnum Road are predominantly two storey terrace properties with narrow frontages (set

some 1m below the railway line). The southern boundary of the wedge is formed by the Bellway scheme, with 4 storey flats on the western side and 2 storey houses on the eastern end. The 'boot' part of the site passes between units on the Bellway site (4 storey flats on the western side in Chalcraft Court & 2/2.5 storey houses on the eastern side -1 Kennett lane & 1-8 Medland Mews), and then follows the Bellway access road through towards Highcross Place to the end of Pretoria Road.

- 2.3 The wedge part of the site (on which it is proposed to erect the buildings) is currently overgrown scrub land adjacent to the railway. There are isolated areas where materials (concrete etc) have been dumped on the land. Some of these areas have become overgrown and appear as raised areas. Generally, however, the site falls from north to south (though by only some 0.5m), and it is roughly level with the railway. Land to the south (on which the 4 storey flats are built) was raised (in order to provide SUDS), and so that site is higher than the application site (by approx.0.8-1m in the vicinity of the flats). There are a few mature trees at the western end of the wedge, close to the rear of the Highcross Place properties, and some towards the western end, but the site is generally scrub.
- 2.4 The boot part of the site (access road) has been surfaced with loose aggregates and is roughly level. The area of land on the opposite side of the road (which is to link with the access road in the residential development granted under ref RU.18/1280) comprises an area of mature trees that separate the site to the south. A ditch also runs across this area (running through the middle of the tree belt). The site to the south is near completion.
- 2.5 The site is part of the Hanworth Lane reserve housing site in the Runnymede 2030 Local Plan (Policy SL3), and part is within 5km of the Thames Basins Heath Special Protection Area (TBHSPA) the remainder being in the 5-7km zone. The site is in a ground water source protection zone and part is at the edge of an indicative area for foul sewer flooding. There is a Tree Preservation Order (TPO 417) on a belt of trees at the southern edge of the boot. Pannells Farm Site of Nature Conservation Importance lies to the southern side of Hanworth lane (SNCI - wet grassland, pond).

3. APPLICATION DETAILS

- 3.1 The application is the reserved matters for Landscaping and Appearance to be decided only. The layout, scale and access was agreed under RU.18/0443.
- 3.2 The applicant has submitted plans showing how the buildings would look, which are similar to those approved under RU.18/0443. The applicant has submitted landscaping plans for both hard and soft landscaping around the site.
- 3.3 The applicant has also submitted to support their application information including an Arboricultural method statement, Construction Environmental Plan, Geo Environmental report, Written Scheme of Investigation - Archaeology and a sustainability and Energy Statement.

4. RELEVANT PLANNING HISTORY

4.1 The following history is considered relevant to this application:

| Reference | Details |
|--------------|--|
| RU.18/0443 | Outline planning application for the erection of up to 48 dwellings (was previously 52 dwellings) (including affordable housing), vehicular access via Pretoria Road and Hanworth Lane, with open space, landscaping including Sustainable Drainage System and all necessary ground works. All matters reserved except for means of access, layout and scale.' (revised plans received amending design and detailing of the units and further amended plans received 3 August 2020 reducing the number of flats and including 3 bed flats). Granted December 2021 |
| RU.23/0556 - | Details pursuant to Discharge Conditions 7 (CTMP 10 - Tree protection) 11 (Landscaping) 12 (Contamination) 13 (WSI 17 - Renewable energy) 20 (Biodiversity) 21 (Noise Mitigation) 24 - (CEMP) and 26 - (Sustainable construction of planning permission) of RU.18/0443 for the Outline planning application for the erection of up to 48 dwellings (was previously 52 dwellings) (including affordable housing), vehicular access via Pretoria Road and Hanworth Lane, with open space, landscaping including Sustainable Drainage System and all necessary ground works. All matters reserved except for means of access, layout and scale.' (revised plans received amending design and detailing of the units and further amended plans received 3 August 2020 reducing the number of flats and including 3 bed flats). Split Decision – Conditions, 7, 10, 12 part I only, 17, 20 , 21 and 26 have been discharged. Conditions 11,12, 13 and 24 additional information required. |
| RU.23/0835 | Details pursuant to Discharge Condition 15 (Surface water Drainage Strategy) of planning permission RU.18/0443 for the Outline planning application for the erection of up to 48 dwellings (was previously 52 dwellings) (including affordable housing), vehicular access via Pretoria Road and Hanworth Lane, with open space, landscaping including Sustainable Drainage System and all necessary ground works. All matters reserved except for means of access, layout and scale.' (revised plans received amending design and detailing of the units and further amended plans received 3 August 2020 reducing the number of flats and including 3 bed flats). Under consideration |

5 SUMMARY OF MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework and Guidance.

5.2 The Runnymede 2030 Local Plan was adopted on 16 July 2020 and the policies have to be read as a whole. Any specific key policies will be referred to in the planning considerations.

5.3 SPDs which might be a material consideration in determination:

SPDs which can be a material consideration in determination:

- Runnymede Design Supplementary Planning Document (2021)
- Green and Blue Infrastructure Supplementary Planning Document (2021)

6. CONSULTATIONS CARRIED OUT

6.1 Consultees responses

| Consultee | Comments |
|------------------------|--------------|
| Network Rail | No objection |
| Surrey County Highways | No objection |
| RBC Tree Officer | No objection |
| HSE | Object |
| Surrey Wildlife Trust | No objection |

Representations and comments from interested parties

6.2 358 Neighbouring properties were consulted in addition to being advertised on the Council's website, in the local press and a site notice has been displayed. 48 letters of representation have been received 40 from different properties. A summary of their concerns is detailed below:

- The proposal is insensitively designed with poor quality materials;
- There has been lack of progress of the concerns raised by residents in the 2018 application;

- There is a lack of infrastructure in Chertsey for these proposals;
- Will the A320 works go ahead following Woking Council being declared bankrupt;
- The proposal does not provide sufficient parking;
- The proposal would have visual impact on the amenities of the occupiers of adjacent neighbouring properties;
- The proposal would result in loss of privacy;
- What are the impacts on contamination;
- The proximity of the building to the railway does not allow space for suitable and agreed landscaping;
- The proposal would result in light pollution from windows;
- The proposal is out of character with the area;
- The proposal would add more cars in the area which would increase pollution;
- The buildings look ugly and have a prison like appearance;
- Buildings would impact on flooding;
- The proposed building would increase traffic in the area which is already gridlocked in the morning and afternoons;
- The construction of the development will cause dust pollution;
- The proposed siting of the buildings would result in overlooking;
- There is no landscaping to soften the view of the proposal;
- The proposal would result in a loss of green space;
- Schools, doctors and other amenities are already stretched beyond capacity;
- Additional traffic onto Pretoria Road will be unacceptable;
- More built up areas will have an overwhelming impact on the Victoria drainage system;
- Foxes and slow worms live on the site;
- There are unoccupied buildings in Addlestone, there is no need /demand for flats here;
- The buildings would block out sunlight;
- Construction will be noisy and adversely affect home workers;
- The development would add strain on existing Wi-Fi connections; and
- There are already no places for NHS dentists.

7. PLANNING CONSIDERATIONS

7.1 In the determination of this application regard must be had to the Development Plan and National policy within the NPPF. The application site is located within the urban area where the principle of such development is considered to be acceptable subject to detailed consideration. This must be considered in light of the presumption in favour of sustainable development advocated by the NPPF. The key planning matters are the appearance of the building and landscaping around the site and its impact on the visual amenities of the area and the residential amenities of the occupiers of the adjacent neighbouring properties.

7.2 The principle of development at the site has been established, with the sites allocation in the Local Plan for housing under Policy SL3. Furthermore, the means of access to the site, the scale and layout of the development has been approved under RU.18/0443. The sole matters outstanding to be considered are the appearance of the buildings and the landscaping around them.

Appearance

7.3 The site is located in a residential area which is characterised by different types of properties of different design, with two storey properties to the north of the site along Laburnum Road and to the east in Highcross Place and west in Medland Mews. However, to the south there are three – four storey flats which each have private balconies and with parking areas around the buildings. The proposal would have a similar appearance to these buildings, using similar materials and with similar surface parking around the site. Whilst the site is separate to the flats in Chalcroft Court and Burnell Court the design and appearance reflects the character of these units and it is considered that the proposal would be in keeping with the established appearance of these units. The proposal would comply with Policy EE1 of the Local Plan in this aspect.

Landscaping

7.4 The applicant has submitted detailed landscaping plans for the site. This includes planting along the boundaries of the site, around parking bays, to the North of the site adjacent to the railway line and along the access road. The Council's Tree Officer raises no objection to the proposal and the Surrey Wildlife Trust raise no objection to the proposal. The landscaping softens the view of the development from the surrounding area and adds to the green infrastructure around and through the site. There would be an open area between the site and the south boundary as there is an underground gas pipeline along this area. However, outside of this area there would be planting of a variety of species of trees, shrubs and grasses to provide a landscaped setting to the development in keeping with that of the existing area. To the north of the site, adjacent to the railway line, as previously approved, there would be an acoustic barrier at a height of 2 metres which would also be landscaped with planting to reduce the visual prominence of the structure. It is therefore considered that the proposal would comply with Policy EE11 of the Local Plan in this regard.

7.5 No details of the maintenance of the landscaped areas have been submitted and therefore a condition is recommended requiring further details of this to be submitted.

Other matters

7.6 The applicant has submitted a Construction Environment Management Plan which was required by condition 24 under RU.18/0433. This outlines measures to safeguard the environment of the area and the site during construction works and also includes a dust

suppression strategy. The Surrey Wildlife Trust raise no objection to the submitted information and is satisfied that this condition can be discharged.

Health and Safety Executive

- 7.7 The HSE has been consulted on this application as the site is within a consultation zone for a former gas holder station. Despite the gas holder station no longer being on site, HSE records have not been updated and the HSE has advised that until the hazardous substance consent has been formally revoked by the Planning Authority their objection will remain. Notwithstanding this, it is considered that as the gas holder station has been demolished some time ago and this matter was not raised under the consideration of the previous applications for residential development at the site and the wider area, it is considered unreasonable to insist on a condition restricting development for this as the only matters to be determined under this application are appearance and landscaping. Notwithstanding this, the Council is in any case preparing a report to revoke the Hazardous Consent and update the HSE records.

Letters of representation

- 7.8 A number of letters of representation have been received which raise concerns about the location of the proposed buildings, access to the buildings and the principle of development at the site. As indicated above, the principle of development of the site has been established under the allocation of the site for residential development under the 2030 Local Plan and it was previously allocated for development since the 1993 Local Plan. Access to the site, the layout of the site and scale of the buildings were approved under the consideration of the previous application RU.18/0443. This includes the potential impact of the proposal on the amenities of the occupiers of adjacent neighbouring properties from the scale and layout of the buildings. The previous application secured contributions to mitigate the impact on the TBH SPA, works to the A320 and affordable housing contribution. As the legal agreement was not signed prior to the CIL adoption in March 2021, the development is CIL liable.

Conditions

- 7.9 The applicant has submitted several applications to discharge conditions from the original application. A number of these have been discharged and are under consideration. Reference will be made to the approved conditions and matters outstanding.

8. PLANNING OBLIGATIONS/COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 8.1 The proposal is CIL liable.

9. EQUALITY AND HUMAN RIGHTS CONSIDERATIONS

- 9.1 Consideration has been given to Articles 1 and 8 of the First Protocol of the European Convention on Human Rights. It is not considered that the decision would result in a violation of any person's rights under the Convention.

Consideration has been given to s149 of the Equality Act 2010 (as amended), which has imposes a public sector equality duty that requires a public authority in the exercise of its functions to have due regard to the need to:

- (a) Eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act
- (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

It is considered that the decision would have regard to this duty.

10. CONCLUSIONS

- 10.1 The principle of the scheme has been established and approved, with the matters for consideration being landscaping and appearance. The proposed buildings would have a similar appearance to the units in Chalcroft Court and Burnell Court to the south of the site and landscaping would be provided around the site to provide green corridors as well as softening the appearance of the buildings in the street scene.
- 10.2 The development has been assessed against the following Development Plan policies – SL1, SL3 SL19 SL20, SD2, SD3, SD4, SD7, SD8, EE1, EE2, EE7, EE9, EE10, EE11, EE12 of the Runnymede 2030 Local Plan, the policies of the NPPF, guidance in the PPG, and other material considerations including third party representations. It has been concluded that the development would not result in any harm that would justify refusal in the public interest. The decision has been taken in compliance with the requirement of the NPPF to foster the delivery of sustainable development in a positive and proactive manner.

11. FORMAL OFFICER RECOMMENDATION

The Head of Planning be authorised to grant planning permission subject to the following planning conditions:

1 Reserved matters application (standard time limit)

The reserved matters for which permission is hereby granted must commence not later than two years from the date of this permission, or not later than five years from the date of the outline approval (26 November 2021).

Reason: To comply with Section 51 of Part 4 of the Planning and Compulsory Purchase Act 2004.

2 External materials (as approved plan and details)

The proposed external detailing of the development hereby approved, shall not be carried out except in complete accordance with the details shown on the submitted plan number 5010 Rev P1 received 11 April 2023.

Reason: To ensure high quality design and to comply with Policy EE1 of the Runnymede 2030 Local Plan and guidance within the NPPF.

3 List of approved plans

The development hereby permitted shall not be carried out except in complete accordance with the following approved plans: PR124123_10A, PR124123_12 Sheet 1, PR124123_12 Sheet 2, PR124123_12 Sheet 3, PR124123_11 Sheet 1, PR124123_11 Sheet 2, PR124123_11 Sheet 3 received 21 June 2023, PR124123_66, 1001 Rev P1, 5010 Rev P1, 5001 Rev P6, 5002 Rev P6, 5003 Rev P6 received 11 April 2023

Reason: To ensure high quality design and to comply with Policy EE1 of the Runnymede 2030 Local Plan and guidance in the NPPF.

4. Landscaping

All hard and soft landscaping works shall be carried out in accordance with the approved details. Arboricultural work to existing trees shall be carried out prior to the commencement of any other development; otherwise all remaining landscaping work and new planting shall be carried out prior to the occupation of any part of the development or in accordance to the timetable agreed with the LPA. Any trees or plants, which within a period of five years of the commencement of any works in pursuance of the development die, are removed, or become seriously damaged or defective, shall be replaced as soon as practicable with others of similar size and species, following consultation with the LPA, unless the LPA gives written consent to any variation.

Reason: To preserve and enhance the character and appearance of the surrounding area and to comply with Policies EE1 and EE11 of the Runnymede 2030 Local Plan and guidance within the NPPF.

5. Landscape and Ecological Management Plan

Prior to construction of the slab level a Landscape and Ecological Management Plan (LEMP), including long- term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), shall be submitted to and approved in writing by the local planning authority.

This should be in accordance with the proposed landscaping scheme The LEMP shall be carried out as approved and any subsequent variations shall be agreed in writing by the Local Planning Authority.

The scheme shall include the following elements:

- Details of maintenance regimes including how the semi-natural habitats will be managed over the long-term in order to retain their ecological diversity.
- Details of management responsibilities including adequate financial provision and named body responsible for maintenance.

Reason: To protect the trees to be retained and enhance the appearance of the surrounding area, to ensure that replacement trees, shrubs and plants are provided and to protect the appearance of the surrounding area and to ensure the protection of wildlife, supporting habitat and secure the opportunities for the enhancement of the nature conservation value of the site and to comply with Policies EE1, EE9, and EE11 of the Runnymede 2030 Local Plan and guidance in the NPPF.

Informatives:

1 Summary of Reasons to Grant Consent

The decision has been taken in compliance with the requirement in the NPPF to foster the delivery of sustainable development in a positive and proactive manner.

2 The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).

3 Section 59 of the Highways Act permits the Highway Authority to charge developers for damage caused by excessive weight and movements of vehicles to and from a site. The Highway Authority will pass on the cost of any excess repairs compared to normal maintenance costs to the applicant/organisation responsible for the damage.

4 It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Please refer to: <http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrastructure.html> for guidance and further information on charging modes and connector types.

5 The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the site then the appropriate monitoring and remediation methods will need to be undertaken.

6 Hours of Construction Works

The applicant is advised that the council has established the following guideline hours for noisy works:

8am to 6pm Monday to Friday; and

8am to 1pm on Saturday.

There should be no noisy work on Sundays or Public Holidays.

Further information is available from the Council's Environmental Health Department.

7 Land Ownership

The applicant is advised that this planning permission does not convey the right to enter onto or build on land not within his ownership.

8 Party Wall Act 1996

The applicant's attention is drawn to the Party Wall Act 1996 which sets out requirements for notice to be given to relevant adjoining owners of intended works on a shared wall, on a boundary or if excavations are to be carried out near a neighbouring building.

9 The applicant is advised that this site is subject to a Section 106 Agreement secured under the outline application RU.18/0443.