



## Appeal Decision

Site visit made on 16 January 2024

by **S Leonard BA(Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 February 2024

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**Appeal Ref: APP/Q3630/W/23/3319787**

**Longcross North, Chobham Lane, Surrey KT16 0EE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
  - The appeal is made by Crest Nicholson Developments (Chertsey) Limited and Aviva Life & Pensions UK Limited against the decision of Runnymede Borough Council.
  - The application Ref RU.22/0512, dated 17 February 2022, sought approval of details pursuant to condition No.2 of planning permission Ref RU.20/1206, granted on 8 July 2021.
  - The application was refused by notice dated 22 December 2022.
  - The development proposed is: Hybrid planning application: full planning application for a re-configured discovery building car park (to that approved under RU.17/1191); retention of the stage 2 building and associated hardstanding; outline planning permission sought for proposed sports provision, public open space and associated landscaping; vehicular access, drop-off and car parking to the railway station; and associated engineering works (all matters reserved) and proposed security fence (all matters reserved except layout).
  - The details for which approval is sought are access, appearance, landscaping, layout and scale.
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### Decision

1. The appeal is allowed and the reserved matters of access, appearance, landscaping, layout and scale, submitted pursuant to condition No.2 of planning permission Ref RU.20/1206, granted on 8 July 2021, are approved subject to the schedule of conditions at the end of this decision.

### Preliminary Matter

2. Since the refusal of the application, the subject of this appeal, a revised version of the *National Planning Policy Framework* (the Framework) was published in December 2023. The main parties have had the opportunity to comment upon the revised Framework in respect of the appeal, and I have taken it into account where relevant to my decision.

### Main Issue

3. The main issue is whether the development would provide adequate safety measures for future occupiers/users of the development, with particular regard to crime safety in relation to the use of the pedestrian routes to the station.

## Reasons

4. The appeal site lies south of Virginia Water and the Wentworth Estates settlements and golf course. It comprises part of the Longcross North mixed-use development<sup>1</sup>, located to the north of the M3, which includes residential, Class B1 employment, sui generis Data Centre, Class A1 – A5 uses, Class D1 and D2 community facilities, public open space and associated highways and drainage infrastructure.
5. This development, in turn, forms the northern part of the wider Longcross Garden Village (LGV) allocation under Policy SD9 of the *Runnymede 2030 Local Plan* (July 2020) (the Local Plan), which will also encompass a large mixed-use development south of the M3.
6. The appeal site is largely given over to woodland which is covered by a Tree Preservation Order. There is also a central area of cleared land to the north and south of an electrical sub-station. This is currently used for materials storage in connection with the construction of phase 2 of the Longcross North development south of the appeal site. Vehicular access to the appeal site is from the main development site entrance via Chobham Lane.
7. The appeal scheme specifically relates to the reserved matters in connection with a hybrid planning consent<sup>2</sup> which, in addition to granting full planning permission for the retention of the Longcross Film Studios land and building to the east of Lower Road, also granted outline permission, with all matters reserved, for sports provision, public open space and associated landscaping, vehicular access, drop-off and car parking to Longcross railway station (which lies immediately north of the site), and associated engineering works.
8. The outline approval included landscape and masterplans to illustrate the location of the proposed uses and how they could be accommodated on the appeal site. The reserved matters application is consistent with these approved plans.
9. The reserved matters in respect of a security fence for the adjacent film studios have been granted under a separate reserved matters approval<sup>3</sup>. The permitted close-boarded timber fence has been constructed along part of the appeal site boundary.
10. In addition to an unmade footpath linking the railway station to Burma Road, existing pedestrian access to the station is via an existing pedestrian footpath which runs alongside the railway line and links the station with the dwellings to the east of the appeal site, which have been completed as part of the first phase of the Longcross North scheme.
11. It was originally proposed to locate the station drop-off and parking facilities in the northwest corner of the appeal site adjacent to the station entrance. However, during the course of the determination of the hybrid application<sup>4</sup> to which the appeal scheme is pursuant, the car park was repositioned approximately 200m further east, in a position shown on approved Framework

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<sup>1</sup> LPA Ref RU.13/0856

<sup>2</sup> LPA Ref RU.20/1206

<sup>3</sup> LPA Ref RU.22/0449

<sup>4</sup> LPA Ref RU.20/1206

Masterplan Ref P20-0943\_19N. Condition No.3 of the hybrid permission requires the development to accord with this drawing.

12. It must also accord with the Access and Movement Plan P20-0943-18G, which established the approved positions of the pedestrian routes to the station, including the existing footpath which runs adjacent to the northern site boundary from the station eastwards to link with the housing already completed under phase 1 of the upper Longcross development, (as consented under the original hybrid approval<sup>5</sup> for Longcross North). This plan also included a pedestrian link from this path to the proposed station car park, and an additional informal footpath alongside the western site boundary linking the station to the phase 2 development to the south.
13. There would be little natural surveillance of the proposed pedestrian links due to the presence of only a few nearby buildings on the adjacent film studio site. These are bounded by solid timber fencing at ground floor level, contain only a few upper floor windows, and would be occupied in a transient manner due to their use.
14. Notwithstanding the above, having regard to condition No.3 of the aforesaid hybrid approval and a Counsel Opinion<sup>6</sup> submitted by the appellant, which confirms that the reserved matters application must conform to the drawings approved under condition No.3 of the outline consent, the appellant is required to position the station car park and footpath accesses thereto, in accordance with the appeal scheme layout.
15. The proposal would improve upon the existing narrow and enclosed northernmost footpath sited within the wooded area and between the railway line and chainlink boundary fencing, by widening part of it so that it could accommodate cycles as well as pedestrians. It is proposed that this path be lit and covered by CCTV surveillance, to be secured by means of planning conditions.
16. In addition, a footpath would also be provided along the southern edge of the carriageway of the proposed car access/bus turning loop road to the station. This would be more open than the footpath/cycleway to the north and would benefit from roadway street lighting. This would run alongside the northern part of a new road providing vehicular access to the station via Chieftain Road and Fox Road. The remainder of this new access road would also incorporate a 3m wide dedicated shared footway and cycleway on its western side, with pedestrian crossing points.
17. The proposed additional footpath route adjacent to the road carriageway would be sited in an open location away from woodland and would provide a direct pedestrian route from the station to the development south of the appeal site. It would benefit from natural surveillance from passing vehicular traffic, as well as street lighting and CCTV coverage, making it attractive to potential users, particularly lone users, during hours of darkness.
18. This route would be supplemented by another footpath which would run southwards through woodland, skirting the western site boundary with the film studios, to join the existing public open space and footpath surrounding the landscaped lake adjacent to a mixed-use Discovery Building and residential

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<sup>5</sup> LPA Ref RU.13/0856

<sup>6</sup> Christopher Boyle KC, Landmark Chambers – 17 October 2022

apartments which have been completed as part of phase 2 of the Longcross North scheme. Whilst being less open in nature, this route is acceptable in that it would accord with the hybrid application approved pedestrian route layout, and would serve as a secondary and more informal pedestrian route from the railway station loop access road footpath.

19. Whilst not located immediately adjacent to the railway station, the proposed car park and drop-off area therein would not be unduly remotely located in relation to the station. I estimated during my site visit that the walk would take approximately 3-4 minutes along either of the aforesaid east-west pedestrian routes. Moreover, the footpaths would be wide and legible and the paths, car park, and station forecourt would incorporate lighting and CCTV coverage.
20. Moreover, an increasing amount of natural surveillance of the pedestrian routes would occur as a result of a growth in activity along them in association with their use by occupiers/users of the growing LGV built development south of the appeal site.
21. With all the above in mind, and in the absence of cogent evidence to the contrary, I am satisfied that, subject to conditions to ensure the provision of appropriate lighting and CCTV coverage, the proposed design and layout of the main pedestrian access routes to the station would be sufficient to allay fear, and actual risk, of crime to users of the station access footpaths.
22. Other factors that weigh in favour of the proposed station car park location include its position on cleared ground within the appeal site which has no significant visual amenity or biodiversity value. This is as opposed to being sited adjacent to the station where the removal of TPO protected woodland could materially harm the visual amenities of this prominent public site access location and biodiversity interests therein.
23. The proposed car park location would also benefit the Thames Basin Heaths designated European Site, by being outside of the SPA 400m buffer zone. This has alleviated Natural England's concerns that it could, otherwise, be used to facilitate access to the nearby Chobham Common SPA, necessitating robust car park management measures.
24. I also afford weight to the proposed incorporation of means of support to more sustainable means of travel other than the car (buses, cycles and scooters) at the railway station arrival and departure point, instead of providing a car park at this location, in addition to securing pedestrian and cycle links to the station.
25. For the above reasons, I conclude that the development would provide adequate safety measures for future occupiers/users of the development, with particular regard to crime safety in relation to the use of the pedestrian routes to the station. As such, subject to appropriate planning conditions, the proposal would accord with Local Plan Policies SD3 and SD9, in so much as these policies support the inclusion, within the development, of a network of attractive, accessible and safe sustainable travel networks and routes for all users and which maximise opportunities for natural surveillance.
26. For similar reasons, the proposal would accord with Paragraphs 96(b) and 135 (f) the Framework, which require developments to create places that are safe and where crime, and the fear of crime, do not undermine the quality of life.

## Other Matters

27. The Council is seeking a Deed of Variation to amend Clause 18 of the Section 106 legal agreement attached to the hybrid permission. This Clause requires the landowner to allow public access to, and use of, the station access road, turning loop and associated footways in perpetuity, in order to provide access to and egress from the railway station, the station car park and the open space, including by means of car, buses, cycles or on foot.
28. Clause 18 also ensures that the station access road will connect to the public and private local highway network, including travel to and from the Chobham Lane roundabout entrance and the M3 bridge to Longcross South. The route is shown indicatively on Plan 4 of the legal agreement.
29. The Council's proposed changes are intended to reinforce the relevant clauses of the existing legal agreement, and to make clearer the public use of the station access road prior to it being offered up for adoption. This would include stating the specific times when public access will be allowed, how the route will be maintained and who will maintain it.
30. Notwithstanding the above, and noting the restricted remit of the appeal scheme which is concerned with reserved matters of an existing hybrid consent, I find that there is no evidence before me to justify a need for these alterations to the legal agreement, for example, material changes in circumstances or relevant planning policy since the grant of the hybrid permission. For the same reason, I do not consider planning conditions to be necessary as an alternative mechanism to ensure the Council's proposed amendments, having regard to the comprehensive nature of the conditions and legal agreement attached to the hybrid permission.
31. The Council is also seeking an additional obligation in respect of a mechanism to provide for the transfer of the wooded land between the turning loop and the railway line to the Council. This is intended to allow potential future operational issues to be addressed by futureproofing the station approach in the case of increased capacity and empowering the Council to make future changes to this land, such as providing additional drop-off facilities.
32. The proposed siting of the station access road, turning loop, station car park and woodland areas all accord with the locations approved under the outline permission approved Framework Masterplan, with which the reserved matters must accord. Moreover, there is no demonstrative evidence before me that the woodland area in question is likely to be required for any other use other than as its approved use.
33. As such, based on the information before me, I have no cogent evidence from the Council to demonstrate that its proposed changes to the existing legal agreement are necessary to make the appeal scheme acceptable. Therefore, I am not satisfied on the basis of the evidence before me, that the Council's proposed changes to the existing legal agreement meet all three required tests as set out in Paragraph 57 of the Framework and Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.
34. Interested parties have raised concerns regarding the siting of the access road, station car park and sports facilities in relation to nearby residential properties, and associated harm to neighbouring living conditions, including noise and

privacy impacts. Since the locations of these facilities have already been approved through the hybrid permission, their siting is not a matter to be revisited as part of my determination of this appeal.

35. Moreover, the juxtaposition and separation distances between the proposed development and neighbouring properties, together with controls imposed by the existing legal agreement and planning conditions attached to the hybrid permission and further conditions to be imposed on the reserved matters approval would address the concerns raised in respect of living condition impacts. These controls include requirements for appropriate lighting and landscaping details and the future management and maintenance of the open space and sports pitches and courts.
36. Third party concerns regarding drainage of the appeal site and the future uses of the discovery building are addressed through planning conditions attached to the hybrid permission.
37. Objections have also been made about the design of the access road and station car park, and associated highway safety and parking problems. Whilst noting these concerns, I see no reason to doubt the professional assessment of the Highway Authority or the Council that there would be no reason to refuse the development on the basis of transport grounds.
38. In respect of third party comments regarding an overload on infrastructure arising from the development, this matter is dealt with by means of the Council's Community Infrastructure Levy (CIL) requirements.

### **Conditions**

39. In the event that the appeal was allowed, the Council has suggested a number of conditions, in respect of which the appellant has raised no objections. I have considered these in the light of the tests set out in Paragraph 56 of the Framework and the National Planning Practice Guidance (PPG). I have imposed them where I consider them to be necessary and reasonable, incorporating amendments and deleting and/or amalgamating conditions for the sake of clarity and precision and to avoid duplication.
40. In so doing, I have taken account of the conditions attached to the hybrid permission which still apply. These include conditions in respect of time scales for the implementation of the approved reserved matters, and the implementation of approved bus stop and cycle parking schemes and the safeguarding of space for e-bikes and e-scooters docking. As such, there is no requirement to repeat these conditions on the reserved matters approval.
41. It is necessary to define the approved plans for certainty (1). In the interests of highway safety and the convenience of highway users, conditions are necessary to ensure the provision of adequate pedestrian facilities (2), car park access and egress (3), car park parking, pick-up and drop-off and turning areas (4), disabled parking (5) and restrictive access measures (6).
42. To protect the character and appearance of the area and enhance on-site biodiversity a condition is necessary to ensure the provision of appropriate landscaping (7).

43. In the interests of preserving on-site biodiversity conditions are necessary to protect nesting birds during plant and tree clearance works (8) and protect the MVEE stream and adjacent land (9).
44. To ensure a safe environment for occupiers and users of the development, a condition is necessary to ensure the provision of an appropriate scheme of CCTV coverage within the development (10).
45. In the interests of protecting on-site biodiversity and the living conditions of residential occupiers and to ensure a safe environment for occupiers and users of the development a condition is necessary to maintain control over the design of any future external lighting (11).
46. To protect the character and appearance of the area, a condition is necessary to ensure an appropriate design for screening of the existing electricity sub-station (12).

### **Conclusion**

47. For the above reasons I conclude that the appeal should succeed, and reserved matters permission be granted subject to conditions.

*S Leonard*

INSPECTOR

### **Schedule of Conditions**

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
  - Site Location Plan, prepared by Patrick Parsons (Ref. A20036-FR-001 P5);
  - Planning Application Boundary, prepared by Patrick Parsons (Ref. A20036-FR-002 P1);
  - Hard Landscape Plan prepared by Murdoch Wickham (Ref. 1564-101 P4);
  - Fencing Plan prepared by Murdoch Wickham (Ref. 1564-102 P4);
  - Station Car Park Boundary Cross Section prepared by Murdoch Wickham (Ref. 1564-003Rev D);
  - Planting Plan, prepared by Murdoch Wickham (Ref. 1564-202 P6);
  - Tree Removal and Protection Plan, prepared by Keen Consultants (Ref. 1707-KCXXYTREE-TPP01RevE);
  - Lighting Plan, prepared by Patrick Parsons (Ref. A20036-FR-701 P5);
  - Swept Path Plan, prepared by Patrick Parsons (Ref. A20036-FR-003 P2);
  - Swept Path Plan (Bus/Coach turning area), prepared by Patrick Parsons (Ref. A20036- FR-006 P1);

- Overview Plan Sheet 1, prepared by Patrick Parsons (Ref. A20036-FR-111 P6);
  - Overview Plan Sheet 2, prepared by Patrick Parsons (Ref. A20036-FR-112 P6);
  - Overview Plan Sheet 3, prepared by Patrick Parsons (Ref. A20036-FR-113 P3);
  - Drainage Layout Sheet 1, prepared by Patrick Parsons (Ref. A20036-FR-200 P6);
  - Drainage Layout Sheet 2, prepared by Patrick Parsons (Ref. A20036-FR-201 P6);
  - Drainage Layout Sheet 3, prepared by Patrick Parsons (Ref. A20036-FR-202 P6);
  - Drainage Layout Sheet 4, prepared by Patrick Parsons (Ref. A20036-FR-202 P2);
  - Proposed Levels Overview Sheet 1, prepared by Patrick Parsons (Ref. A20036-FR301 P4);
  - Proposed Levels Overview Sheet 2, prepared by Patrick Parsons (Ref. A20036-FR302 P4);
  - Proposed Levels Overview Sheet 3, prepared by Patrick Parsons (Ref. A20036-FR303 P2);
  - Signing and Road Marking Layout Sheet 1, prepared by Patrick Parsons (Ref. A20036-FR-701 P2);
  - Signing and Road Marking Layout Sheet 2, prepared by Patrick Parsons (Ref. A20036-FR-702 P2);
  - Signing and Road Marking Layout Sheet 3, prepared by Patrick Parsons (Ref. A20036-FR-703 P2); and
  - Signing and Road Marking Layout Sheet 4, prepared by Patrick Parsons (Ref. A20036-FR-704 P2).
2. The following pedestrian facilities shall be provided in accordance with the approved plans, prior to the first use of the hereby approved access road to Longcross Station by the public, and shall thereafter be permanently retained:
- a) A continuous 3.0m wide shared surface footway/cycleway along the western and then southern side of Fox Road;
  - b) A pedestrian/cyclist crossing point on Fox Road comprising dropped kerbs and tactile paving;
  - c) A 2.0m wide footway on the eastern and then northern side of Fox Road between the station car park and the pedestrian/cyclist crossing point, to allow car park users to walk to the station;
  - d) The widening of the existing East-West footpath along the northern edge of Fox Road between the pedestrian/cyclist crossing point and Longcross Rail Station to 3.0m, to accommodate cyclists; and

- e) A secondary North-South footpath link from the Discovery Building to Fox Road to the north with the provision of additional steps to connect to Fox Road to the south.
3. Prior to the first use of the approved station car park, the vehicular access and egress from and to Fox Road shall have been constructed, and the egress provided with 2.4m by 43m visibility zones, in accordance with the approved plans. Thereafter, the visibility zones shall be kept permanently clear of any obstruction over 1.05m high.
  4. Prior to the first use of the approved station car park, space shall have been laid out in accordance with the approved plans for 42 vehicles to be parked, for vehicles to drop off and pick up, and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking /drop off and pick up/turning areas shall be permanently retained for their designated purposes.
  5. Prior to first use of the approved station car park, space shall be laid out within 50m of the station access for the provision of a minimum of 3 disabled parking spaces, to be connected to the station access via a new 2.0 wide footway, in accordance with the approved plans. Thereafter the disabled parking area shall be permanently retained for its designated purpose.
  6. Prior to the first use of the approved access road to Longcross Station, measures to restrict access by private vehicles beyond the station car park (with the exception of buses and disabled drivers) shall be implemented, in accordance with details which have been submitted to, and approved in writing by, the Local Planning Authority. The approved measures shall thereafter be permanently retained.
  7. The development shall be landscaped in accordance with the details shown on drawing no. 1564/202 Rev P6 (NEC Planting Plan), in accordance with an agreed timescale and details for its management and maintenance, which shall be submitted to, and agreed in writing by, the local planning authority prior to the first use of the access road to Longcross Station. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced in the next planting season with others of similar size, species and number as those originally approved.
  8. Any scrub, hedgerow and tree clearance must be undertaken outside the bird breeding season (March to July inclusive) unless the applicant has first carried out a survey of such vegetation which shows that there are no nesting species within relevant parts of the application site, and any such survey results have been submitted to and approved in writing by the Local Planning Authority.
  9. Prior to any works within 10m of the MVEE stream, details shall be submitted to, and agreed in writing by the Local Planning Authority, demonstrating how a 5m buffer zone around the MVEE stream will be protected both during development and following completion of the works, including details of proposed boundary treatment to the west of the MVEE stream alongside the proposed playing pitches. The development shall be carried out in accordance with the approved scheme.
  10. Notwithstanding the details shown on the approved plans, details of CCTV provision for the station concourse, car park, and linking access road and footpaths, together with a scheme for its management and maintenance, shall

be submitted to, and approved in writing by Local Planning Authority. The approved CCTV scheme shall be installed prior to the first use of the access road to Longcross Station and the station car park, and shall thereafter be permanently managed and maintained in accordance with the approved details.

11. Notwithstanding the details shown on the approved plans, no external lighting shall be installed until details of such are first submitted to, and approved in writing by, the local planning authority. The lighting shall be installed prior to the first use of the access road to Longcross Station and the station car park, and shall thereafter be permanently maintained and operated in accordance with the approved details.
12. Notwithstanding the details shown on the approved plans, prior to the first use of the access road to Longcross Station, details shall be submitted to, and approved in writing by, the Local Planning Authority of a scheme for the screening of the existing electricity sub-station, together with a timescale for the implementation, management and maintenance of the screening. The screening shall be implemented in accordance with the approved details.

**\*\*\*End of Conditions\*\*\***