

Please reply to:

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Date: 10 October 2017

Notice of meeting

Planning Committee

Date: Wednesday, 18 October 2017

Time: **Call Over Meeting** - 6.45 pm

The Call Over meeting will deal with administrative matters for the Planning Committee meeting. Please see guidance note on reverse

Committee meeting – Immediately upon the conclusion of the Call Over Meeting

Place: Council Chamber, Council Offices, Knowle Green, Staines-upon-Thames

To the members of the Planning Committee

Councillors:

R.A. Smith-Ainsley (Chairman)	J.R. Boughtflower	M.P.C. Francis
H.A. Thomson (Vice-Chairman)	S.J. Burkmar	N. Islam
C.B. Barnard	R. Chandler	A.T. Jones
R.O. Barratt	S.M. Doran	D. Patel
I.J. Beardsmore	P.C. Forbes-Forsyth	R.W. Sider BEM

Spelthorne Borough Council, Council Offices, Knowle Green

Staines-upon-Thames TW18 1XB

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Call Over Meeting

Guidance Note

The Council will organise a meeting immediately prior to the Planning Committee meeting (a "Call Over") which will deal with the following administrative matters for the Committee:

- Ward councillor speaking
- Public speakers
- Declarations of interests
- Late information
- Withdrawals
- Changes of condition
- any other procedural issues which in the opinion of the Chairman ought to be dealt with in advance of the meeting.

The Call-Over will be organised by Officers who will be present. Unless there are exceptional circumstances, the meeting will be held in the same room planned for the Committee. The Chairman of the Planning Committee will preside at the Call-Over. The Call-Over will take place in public and Officers will advise the public of the proceedings at the meeting. Public speaking at the Call-Over either in answer to the Chairman's questions or otherwise will be at the sole discretion of the Chairman and his ruling on all administrative matters for the Committee will be final.

Councillors should not seek to discuss the merits of a planning application or any other material aspect of an application during the Call-Over.

Planning Committee meeting

Start times of agenda items

It is impossible to predict the start and finish time of any particular item on the agenda. It may happen on occasion that the Chairman will use his discretion to re-arrange the running order of the agenda, depending on the level of public interest on an item or the amount of public speaking that may need to take place. This may mean that someone arranging to arrive later in order to only hear an item towards the middle or the end of the agenda, may miss that item altogether because it has been "brought forward" by the Chairman, or because the preceding items have been dealt with more speedily than anticipated. Therefore, if you are anxious to make certain that you hear any particular item being debated by the Planning Committee, it is recommended that you arrange to attend from the start of the meeting.

Background Papers

For the purposes of the Local Government (Access to Information) Act 1985, the following documents are to be regarded as standard background papers in relation to all items:

- Letters of representation from third parties
- Consultation replies from outside bodies
- Letters or statements from or on behalf of the applicant

AGENDA

Page nos.

- 1. Apologies**
To receive any apologies for non-attendance.
- 2. Minutes** **5 - 10**
To confirm the minutes of the meeting held on 20 September 2017.
- 3. Disclosures of Interest**
To receive any disclosures of interest from councillors under the Councillors' Code of Conduct, or contact with applicants/objectors under the Planning Code.
- 4. Planning Applications and other Development Control matters**
To consider and determine the planning applications and other development control matters detailed in the reports listed below.
 - a) 17/01065/FUL - Halliford Studios Limited, Manygate Lane, Shepperton **11 - 46**
 - b) 07/00075/ENF - 2A School Road, Ashford **47 - 50**
 - c) 17/00136/UNDEV - 49 Heathcroft Avenue, Sunbury On Thames **51 - 58**
 - d) TPO 256/2017 - 1 Hithermoor Road, Stanwell Moor **59 - 60**
- 5. Planning Appeals Report** **61 - 64**
To note details of the Planning appeals submitted and decisions received between 4 September and 5 October 2017.
- 6. Urgent Items**
To consider any items which the Chairman considers as urgent.

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**Minutes of the Planning Committee
20 September 2017**

Present:

Councillor R.A. Smith-Ainsley (Chairman)
Councillor H.A. Thomson (Vice-Chairman)

Councillors:

R.O. Barratt A.T. Jones
I.J. Beardsmore R.W. Sider BEM

Apologies: Apologies were received from Councillor C.B. Barnard, Councillor J.R. Boughtflower, Councillor S.J. Burkmar, Councillor R. Chandler, Councillor S.M. Doran, Councillor M.P.C. Francis, Councillor N. Islam and Councillor D. Patel

In Attendance:

Councillors who are not members of the Committee, but attended the meeting and spoke on an application in or affecting their ward, are set out below in relation to the relevant application.

Councillor N. Gething 17/00782/FUL - Headline House, Stanwell
Road, Ashford, TW15 3HQ

534/17 Minutes

The minutes of the meeting held on 23 August 2017 were approved as a correct record subject to Minute 517/17 being amended to read, by the inclusion of the words in italics and deletion of the words struck through, as follows:

It was moved, seconded and agreed to amend the recommendation to refuse planning permission by removing reasons numbers 3, 5, 7 and 8.

The application was **REFUSED** planning permission ~~subject to the removal of reasons numbers 3, 5, 6, 7 and 8.~~

535/17 Disclosures of Interest

a) Disclosures of interest under the Members' Code of Conduct

There were none.

b) Declarations of interest under the Council's Planning Code

Councillors R.A. Smith Ainsley, H.A. Thomson, R.O. Barratt and R.W. Sider BEM reported that they had received correspondence in relation to application 17/00782/FUL - Headline House, Stanwell Road, Ashford TW15 3HQ - but had maintained an impartial role, had not expressed any views and had kept an open mind.

Councillor N. Gething, speaking as a ward councillor in relation to application 17/00782/FUL - Headline House, Stanwell Road, Ashford TW15 3HQ - declared that he had spoken with residents in relation to the application and had not expressed any comments.

536/17 17/00782/FUL - Headline House, Stanwell Road, Ashford, TW15 3HQ

Description:

The demolition of the existing building and erection of a two storey building with second floor accommodation to provide 5 no. one bedroom flats and 5 no. two bedroom flats with associated parking and amenity space.

Additional Information:

The Planning Development Manager reported the following:

Consultation Response

A consultation response had been received from the Council's Tree Officer raising no objection to the proposals.

Amendment to Planning Committee Report

Paragraph 5.1 (2nd line) on page 29 of the committee report: 24 **25** responses from 24 **22** residences have been received to date, including comments from SCAN.

Representations

16 no. letters of objection from 13 residences had been received, three of which had written in previously. Most of the issues raised were already covered in report, however, the following issues were also raised:

- Drainage
- Impact on local businesses
- High activity levels along boundary to no. 2 Chaucer Road
- Residents' permit parking should be introduced along Chaucer Road

Public Speaking:

In accordance with the Council's procedure for speaking at meetings, Marian Rough spoke against the proposed development raising the following key points:

- Drainage concerns – a condition is required

- There have been a number of objections
- Loss of privacy
- Parking concerns
- Issues over times of construction

In accordance with the Council's procedure for speaking at meetings, Kevin Davies spoke for the proposed development raising the following key points:

- Almost identical to previous application approved.
- Transport and air quality assessment now submitted
- Thames Water has no objection
- Will provide a new connection to Chaucer Road
- Meets parking and amenity standards
- Impact on listed church is ok
- There is the possibility of a parking scheme

In accordance with the Council's procedure for speaking at meetings, Councillor N. Gething spoke as Ward Councillor against the proposed development raising the following key points:

- Surrey County Council has refused to consider a parking scheme.
- Proposal will exacerbate parking issue
- Party Wall Act issues
- Drainage concerns
- Existing planning permission should be issued
- Should be refused as they already have enough units

Debate:

During the debate the following key issues were raised:

- Size, mass etc. is identical to previous approved scheme with minor alterations
- No reason to refuse
- Drainage is ok
- Party Wall Act is not a planning consideration

Decision:

The application was **approved** as per agenda.

**537/17 17/00366/FUL - Monkey Puzzle House, 69-71 Windmill Road,
Sunbury, TW16 7DT**

Description:

Alterations and extension to the existing building to provide 14 apartments.

Additional Information:

The Planning Development Manager reported the following:

Amendment to Planning Committee Report

Executive Summary on page 48, 3rd line, should read 2016 not 2-0116.

Para. 8.7 on page 51, the proposed mix of residential units is 12 x 2 bed and 2 x 3 bed. The mix referred to in this paragraph (5th line), 4 x 1 bed and 12 x 2 bed, is the approved development under 16/01179/PDO.

Public Speaking:

There was none.

Debate:

During the debate the following key issues were raised:

- Existing building is presentable; reservations on proposed design
- Principal of residential already conceded
- Affordable housing concerns/lack of affordable housing

Decision:

The application was **approved** as per agenda.

538/17 14/00175/UNDEV - 6 Stanhope Heath Stanwell TW19 7PH

Description:

Unauthorised conversion of dwelling to three flats.

Additional Information:

The Planning Development Manager reported the following:

A late letter of representation had been received on behalf of the owner which raised the following points:

- Each unit has a garden
- Each unit has its own facilities
- The internal area is sufficient
- Council tax has been paid since 2014
- Adequate parking on and off street
- Visual appearance is acceptable
- Did not realise planning permission was needed
- Occupiers do not cause noise or disturbance
- Tenants would be made homeless and children are settled into school.

Public Speaking:

There was none.

Debate:

During the debate the following key issues were raised:

- The unauthorised use is frustrating
- Enforcement action is supported

- Accommodation is substandard
- Is a disaster area
- Children need to be re-schooled

Decision:

The Committee resolved to agree to take enforcement action against the unauthorised use.

539/17 Planning Appeals Report

The Chairman informed the Committee that if any Member had any detailed queries regarding the report on Appeals lodged and decisions received since the last meeting, they should contact the Planning Development Manager.

Resolved that the report of the Planning Development Manager be received and noted.

540/17 Urgent Items

There were none.

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Planning Committee

18 October 2017



Application Nos.	17/01065/FUL		
Site Address	Halliford Studios Limited, Manygate Lane, Shepperton		
Proposal	Demolition of existing buildings and redevelopment of the site to provide 24 dwellings (5 no. 1-bed, 9 no. 2-bed, 6 no. 3-bed and 4 no. 4-bed), together with associated parking, access and landscaping.		
Applicant	Shanly Homes Limited		
Ward	Shepperton Town		
Call in details	Whilst Councillor Sider has requested this application be reported to the Planning Committee for consideration, an application of this size would automatically be reported to Committee if recommended for approval.		
Case Officer	Paul Tomson		
Application Dates	Valid: 30/06/2017	Expiry: 29/09/2017	Target: Extension of time agreed.
Executive Summary	<p>This application seeks the demolition of the existing buildings and the creation of a new housing scheme comprising 24 dwellings together with associated parking, access and landscaping.</p> <p>The site is located within the urban area and is not within a designated Employment Area. Consequently, the principle of demolishing the existing film studios and redeveloping the site for residential purposes is considered acceptable. The proposed houses and flats will be 2-storey in scale (some with 2nd floor accommodation within the roof space) and it is considered that the proposed design and appearance will have sufficient regard to the character of the area. The relationship with the neighbouring properties is considered acceptable. The proposed amenity space complies with the Council's minimum garden size standards. The proposed housing density is considered acceptable in this location. The proposed parking provision complies with the Council's minimum parking standards. The County Highway Authority raised no objection on highway safety grounds. The impact on the existing protected trees towards to the southern end of the site will be acceptable.</p> <p>Whilst a previous application for 28 units (16/02113/FUL) was refused planning permission in April 2017, the current scheme has 4 fewer units and an improved layout. Consequently, it is considered that the previous</p>		

	reasons for refusal have been overcome and that the proposal is considered acceptable.
Recommended Decisions	This planning application is recommended for approval, subject to the prior completion of a Section 106 agreement.

MAIN REPORT

1. Development Plan

1.1 The following policies in the Council's Core Strategy and Policies DPD 2009 are considered relevant to this proposal:

- LO1 (Flooding)
- HO3 (Affordable Housing)
- HO4 (Housing Size and Type)
- HO5 (Housing Density)
- EN1 (Design of New Development)
- EN3 (Air Quality)
- EN7 (Tree Protection)
- EN15 (Development on Land Affected by Contamination)
- CC1 (Renewable Energy, Energy Conservation and Sustainable Construction)
- CC2 (Sustainable Travel)
- CC3 (Parking Provision)

2. Relevant Planning History

16/02113/FUL	Redevelopment of the site to provide 28 residential units, 1 x 1 bed flat, 7 x 2 bed flats, 6 x 2 bedroom houses, 10 x 3 bedroom houses and 4 x 4 bedroom houses with a total number of 50 car parking spaces/garages, the provision of amenity space, landscaping and associated alterations.	Refused 06/04/2017. Appeal lodged
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2.1 The above planning application was refused for 5 separate reasons:

- 1) The proposal in terms of its layout, form, design and inadequate amenity space represented an overdevelopment of the site and would be harmful to the character of the area.

- 2) Secondly, the development was considered to have an unneighbourly and overbearing impact on the adjacent property of 35 Gordon Road resulting in a loss of light.
- 3) The proposal was considered not to have sufficient regard to, and would have an unacceptable impact on, the existing trees protected by a Tree Preservation Order.
- 4) The development failed to provide an adequate number of small dwellings to meet the Council's housing needs.
- 5) It had not been demonstrated by the applicant that matters concerning transportation, refuse and noise had been fully addressed in order to comply with the Council's relevant planning policies.

3. Description of Current Proposal

- 3.1 The application relates to Halliford Studios in Manygate Lane, Shepperton, which comprises a site of 0.52 hectares located on the eastern side of the road. The site includes the main Halliford Studios building together with some smaller ancillary buildings. The existing buildings amount to 2255 sqm of floorspace. There is a relatively high brick wall running along the western front boundary. There are several existing trees located in the southern part of the site that are protected by a Tree Preservation Order.
- 3.2 To the north of the site is a designated public footpath. Further to the north is Thamesmead School. To the south are the residential properties of 30 Manygate Lane and 55 – 65 Mulberry Trees. To the east is the cul-de-sac of Gordon Road. Nos. 35 and 76 Gordon Road immediately adjoin the application site. To the west, on the other side of Manygate Lane are the dwellings of Nos. 49 – 61 Manygate Lane. The site is located within the urban area and is essentially residential in character.
- 3.4 The proposal involves the demolition of the existing buildings and the creation of a new residential development comprising 24 dwellings (5 no. 1-bed, 9 no. 2-bed, 6 no. 3-bed and 4 no. 4-bed). A block of 8 flats will be erected in the south-western corner of the site, which will be 2-storey in scale but with a second floor within the roofspace served by dormers and roof lights. The remainder of the units will be semi-detached and terraced houses. The 6 no. houses fronting towards Manygate Lane will be 2-storey. The 10 no. houses situated towards the rear of the site will be 2-storey in scale but will contain second floor accommodation within the roofspace, served by dormers on their front elevations and roof lights on the rear. The existing access onto Manygate Lane will be modified and widened, and will serve a new access road and associated parking spaces serving the proposed units. 44 no. off-street parking spaces are to be provided. All of the units are to be occupied as market housing (no affordable housing).
- 3.5 The proposal differs from the previous refused scheme (16/02113) in that the number of units has been reduced by 4 (from 28 to 24). The proposed layout has been substantially altered with the block of flats moved from the north-western corner to the south-west. All of the new houses located towards the

rear of the site are now orientated in an east to west direction with their rear elevations facing towards Gordon Road. The layout has a more spacious appearance with the provision of a reasonable size communal amenity space provided for the flats in the southern part of the site. All of the units will now be privately owned (previously 2 no shared ownership units were proposed).

- 3.5 Copies of the proposed site layout and elevations are provided as an Appendix. Copies of the site layout and elevations of the refused scheme are also attached as an Appendix.

4. **Consultations**

- 4.1 The following table shows those bodies consulted and their response.

Consultee	Comment
County Highway Authority	No objection subject to conditions.
Thames Water	No objection on sewerage infrastructure capacity. Makes various comments in relation to surface water drainage and the location of the public sewers. Recommends that the applicant fits petrol/oil interceptors in all car parking spaces. This has been attached as an informative.
Surrey Wildlife Trust	No objection subject to conditions.
Environmental Health (Pollution)	No objection subject to conditions.
Sustainability Officer	No objection to the proposed renewable energy facilities (air source heat pumps).
Neighbourhood Services	No objection.
Tree Officer	No objection subject to a condition relating to tree protection measures.
Countryside Access Officer (Surrey County Council)	Any comments will be reported orally at the meeting.
Environmental Health (Noise)	No objection subject to conditions.
County Archaeologist	No objection subject to a condition.
Crime Prevention Officer	Has made various security related comments, which have been forwarded to the applicant. Recommends that a condition is imposed requiring the development achieves the Secured by Design award.
Local Lead Flood Authority (Surrey County Council)	No objection subject to conditions.
Environment Agency	Any comments will be reported orally at the meeting. Did not comment on the previous scheme.

5. Public Consultation

5.1 126 properties were notified of the planning application. A site notice was displayed and notice was provided in the local press. 24 letters of representation have been received, including 2 separate letters from the Shepperton Residents Association, letters from Thamesmead School, and Spelthorne Committee for Access Now (SCAN). Reasons for objecting include: -

- Highway safety issues on Manygate Lane. Parking restrictions should be imposed on this area of Manygate Lane. Concerns about the impact of Lorry traffic during the construction phase. Increase in traffic congestion. Concerns regarding the comments made in the transport documents.
- Insufficient car parking provision.
- Concern about noise and disturbance during the construction phase. Impact of this on pupils at Thamesmead School, particularly during exam times.
- Lack of affordable housing.
- Overdevelopment of the site.
- Out of character with the area. Poor design.
- Impact on existing trees
- The solid wall at the back of Plots 7 – 13 should be maintained to maintain privacy in relation to the properties in Gordon Road.
- Excessive housing density.
- Overlooking/loss of privacy.
- Loss of wildlife.
- Loss of light/overshadowing
- Concern about tree planting being carried out next to neighbouring properties.
- Concern about the future use of the piece of land to the rear of No. 35 Gordon Road, which was formerly used by Halliford Studios.
- Loss of existing employment land.
- Pressure on existing infrastructure.
- Concern that the submitted environmental report is based on 20 homes (instead of 24).
- Overbearing impact on neighbouring properties.
- The proposed units do not appear to be designed to be provide access for disabled people.

6. Planning Issues

- Principle
- Housing density
- Design and appearance
- Amenity space
- Impact on neighbouring properties
- Parking
- Highway matters
- Affordable Housing
- Dwelling mix
- Flooding
- Trees

7. Planning Considerations

Principle

- 7.1 The site is located within the urban area and is occupied by vacant commercial buildings. The site is not located within a designated Employment Area. The principle of demolishing the commercial buildings and replacing them with a new residential development is considered acceptable. Whilst most of the site is located within Flood Zone 2 (between 1 in 100 year and 1 in 1000 year chance of flooding), there is no objection to providing new residential development in this relatively low risk flood zone, particularly as a dry means of escape can be achieved from the site to an area entirely outside the flood plain.

Housing Density

- 7.2 Policy HO5 of the Core Strategy and Policies DPD 2009 (CS & P DPD) states that within existing residential areas that are characterised by predominantly family housing rather than flats, new development should generally be in the range of 35 to 55 dwellings per hectare (dph). Higher density development may be acceptable where it is demonstrated that the development complies with Policy EN1 on design, particularly in terms of its compatibility with the character of the area and is in a location that is accessible by non car-based modes of travel. The application site is some 0.52 hectares in area and the proposed density is 46 dwellings per hectare (dph), which complies with Policy HO5.

Design and Appearance

- 7.3 Policy EN1 of the CS & P DPD states that the Council will require a high standard in the design and layout of new development. Proposals for new development should demonstrate that they will create buildings and places that are attractive with their own distinct identity; they should respect and make a positive contribution to the street scene and the character of the area in which they are situated, paying due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land.
- 7.4 This area of Manygate Lane is characterised by a mix of semi-detached and detached houses, blocks of flats, and a school. Most of the houses are 2-storey in scale, although the semi-detached houses of Glenwood and Mentmore located opposite the application site are 3-storey. To the south-west of the site are the 3-storey blocks of flats of 13 – 47 Manygate Lane. To the north are the substantial buildings associated with Thamesmead School. To the rear of the site are the chalet-style bungalows of Gordon Road.
- 7.5 It is considered that the proposed design and appearance will be in keeping with the character of the surrounding area and complies with the requirements of Policy EN1. The proposed houses and flats will be traditional in appearance and will respect the character of the area. Their two-storey scale, but with some units with 2nd floor accommodation within the roof space, will complement the existing houses opposite the site in Manygate Lane. It is also

considered acceptable when seen in context with the houses in Gordon Road and the wider area. The new buildings will be faced in a mix of brickwork, coloured render and roof tiles, and they will have design features such as entrance porches and gables. The front of the site will have space for landscaping. The front boundary wall will be reduced in height to 1 metre. Overall, it is considered that the proposal will make a positive contribution to the street scene and in this respect accords with Policy EN1.

Amenity Space

- 7.6 All of the private rear gardens for the houses will comply with the Council's minimum amenity space standards stipulated in the Supplementary Planning Document (SPD) on the Design of Residential Extensions and New Residential Development 2011. Furthermore, the proposed communal amenity space for the flatted building is well in excess of the minimum SPD amenity space standard of 205 sqm (the proposed communal garden is 723 sqm). Accordingly, the proposed amenity space is considered acceptable.

Impact on neighbouring properties

- 7.7 Policy EN1 of the CS & P DPD states that proposals for new development should demonstrate that they will achieve a satisfactory relationship to adjoining properties avoiding significant harmful impact in terms of loss of privacy, daylight or sunlight, or overbearing effect due to bulk and proximity or outlook. Also of relevance is the Council's SPD on the Design of Residential Extensions and New Residential Development.
- 7.8 The proposed development is considered to have an acceptable relationship with existing residential properties and complies with the requirements of Policy EN1. The separation distances are set out in the SPD. The ten dwellings to the rear of the site are two-storey with dormer windows to the front. This means that the houses have a roof which is slightly higher than the average two-storey dwelling. However, all the relevant distances for two storey development set out in the SPD are exceeded by a reasonable amount. With regard to No. 35 Gordon Road, there will be a separation distance of at least 16.5 metres between its 2-storey western flank elevation and the proposed 2-storey rear elevations of Units 11 and 12. This is well in excess of the minimum 13.5 metre "back to flank" separation distance standard stipulated in the SPD. In addition, the separation distance between the proposed 2-storey rear elevations of Units 10 – 13 and the side boundary of the neighbouring property will be 13 metres, which is above the minimum 10.5 metres "back to boundary" separation distance standard in the SPD. With regard to 76 Gordon Road, there will be a gap of 16.5 metres between its 2-storey flank extension and the proposed 2-storey rear elevations of Units 5 and 6, which complies with the minimum 13.5 metres "back to flank" standard in the SPD. Likewise, the proposed "back to boundary" distance from the proposed 2-storey rear elevation of Units 4 – 6 will be above the minimum 10.5 metres SPD standard. There will also be a gap of at least 25 metres between the proposed southern flank elevation of Unit 13 and the rear elevations of the houses in Mulberry Trees, which is considered acceptable. Whilst it is recognised that the proposed houses situated towards the eastern end of the site will have a 2nd floor within the roof space, when they are

viewed from Gordon Road and Mulberry Trees they will appear 2-storey in scale. The SPD separation distance for 2-storey development has been applied in this particular case and all distances exceed the guidance by a reasonable distance.

- 7.9 With regard to 30 Manygate Lane, the proposed 2-storey southern flank elevation of the new flatted building will be set-in from the neighbouring side boundary by between 5.169 metres and 8 metres, which is considered acceptable. The gap between the proposed building and No. 30's 2-storey flank elevation will be at least 14 metres. There be one first floor window in the proposed southern flank elevation. However, as this will be a secondary window serving the kitchen/living room of Unit 17 it is considered that a condition can be imposed requiring the window to be obscure glazed and non-opening up to 1.7 metres above internal floor level, thereby preventing any overlooking towards the neighbouring property. The proposed roof lights at 2nd floor level will be positioned at a high level and due to their orientation will face towards the sky. It is also proposed to impose a condition requiring a privacy screen to be installed on the southern side of the proposed balcony of Unit 17 to ensure there is no adverse overlooking towards 30 Manygate Lane's rear garden.
- 7.10 It is noted that 3rd party representations have raised concerns about the impact of the proposed buildings fronting Manygate Lane causing loss of amenity to the existing dwellings on the other side of the road. Whilst these comments are noted, it is not considered that a refusal could be justified on this particular ground. The proposed buildings will be positioned at least 21 metres away from the 2-storey front elevations of the neighbouring properties. The proposed buildings will not break the 25 degree rule stipulated in the SPD and are therefore considered not to have an overbearing impact. Indeed all proposed dwellings meet the SPD 25 degree and 45 degree rules which assess the impact on surrounding dwellings.

Parking Provision

- 7.11 Policy CC3 (Parking Provision) of the CS & P DPD states that the Council will require appropriate provision to be made for off-street parking in development proposals in accordance with its maximum parking standards.
- 7.12 On 20 September 2011 the Council's Cabinet agreed a 'Position Statement' on how Policy CC3 should now be interpreted in the light of the Government's recent parking policy changes. The effect of this is that the Council will give little weight to the word 'maximum' in relation to residential development when applying Policy CC3 and its residential parking standards will generally be applied as minimum.
- 7.13 The Council's minimum parking standard for a scheme of this size is 44 parking spaces. The scheme has been amended since it was first submitted with an increase in the number of parking spaces on the site from 40 to 44. The proposed parking provision now complies with the Council's minimum parking standards and is acceptable.

Highway Matters

- 7.14 It is noted that the Council has received many letters of representation from local residents raising highway safety issues in Manygate Lane. This includes concerns regarding lorry traffic during the construction phase. The County Highway Authority was consulted and was made aware of these concerns raised by the third parties.
- 7.15 The County Highway Authority has raised no objection on highway safety grounds to the proposal subject to the imposition of conditions. One of the conditions to be attached to the planning permission requires the submission of a Construction Transport Management Plan to be complied with during the construction phase. This will require details of lorry deliveries and hours of operation and measures to ensure that construction vehicles can turn around within the site. There will also be a requirement that no heavy goods vehicle (HGVs) movements to or from the site shall take place no later than one hour before Thamesmead School opens in the morning and up to one hour after the school closes, and that no HGVs are parked on the highway during these times.
- 7.16 With regard to the proposed development, the existing access onto Manygate Lane is to be widened to ensure that larger vehicles (e.g. refuse lorries) can access and exit the site safely. The applicant has demonstrated that these types of vehicles can adequately access, turn around and exit the site in forward gear.
- 7.17 With regard to the submitted travel statement, the County Highway Authority is not satisfied that the details in it are adequate. They have therefore requested that a condition is imposed requiring a revised travel statement to be submitted to and approved in writing by the Local Planning Authority.
- 7.18 Subject to all of these measures being put in place to the satisfaction of the County Highway Authority it is considered that the impact on Manygate Lane and highway safety will be acceptable.

Affordable Housing

- 7.19 Policy HO3 of the CS & P DPD requires the Council, having regard to the circumstances of each site, to negotiate for a proportion of up to 50% of housing to be affordable where the development comprises 15 or more dwellings or the site is 0.5 ha. or larger irrespective of the number of dwellings. The Council will seek to maximise the contribution to affordable housing provision from each site having regard to the individual circumstances and viability, including the availability of any housing grant or other subsidy, of development on the site.
- 7.20 As mentioned in paragraph 3.4, all of the proposed units will be privately owned with no affordable housing provided on the site. The applicant has submitted an affordable housing viability report which sets out why they are not able to provide any affordable units in this particular scheme. The Council's valuation advisor has been consulted on the report and agrees that it is not viable to provide any on-site affordable housing in the scheme. However, she has recommended that the developer pays a financial

contribution of £14,911 towards off-site affordable housing in the Borough. This is to be paid upon the sale of the first residential unit on the site. The applicant has agreed to pay this sum. Accordingly, it is recommended that the applicant enters into a Section 106 Agreement (see paragraph 8.1) to secure the commuted sum.

Dwelling Mix

- 7.21 Policy HO4 of the Core Strategy and Policies DPD (2009) (CS and P DPD) sets out the mechanism for ensuring a range of housing sizes and types are delivered to meet community needs. It requires development that proposes four or more dwellings to include at least 80% of their total as one or two bedroom units. The policy's supporting text states that the only exception to the 80% requirement will be where requirements for affordable housing dictate a greater mix of larger dwellings. The Supplementary Planning Document (SPD) on Housing Size and Type (July 2012) introduces greater flexibility on the proportion of small units in areas characterised by family dwellings.
- 7.22 The proposal provides a total of 24 units of which 14 (some 58%) are to be 1 and 2 bed units, and 10 no. 3 and 4 bed units. The policy, at 80%, would require 19 smaller units. The SPD on Housing Size and Type, however, recognises that in areas where there is a predominance of larger dwellings, a mix with less than 80% small units may be appropriate – provided the small unit provision is still the majority within the scheme i.e. at least 50%. In this particular case it is evident that the site is surrounded by mainly family housing and therefore the provision of more 50% smaller units would be acceptable in this instance. The scheme provides 58% smaller units and therefore complies with the requirements of Policy HO4 and the SPD.

Flooding

- 7.23 The site is partly located within Flood Zone 2 (between 1 in 100 year and 1 in 1000 year chance of flooding) and partly within Zone 1 (less than 1 in 1000 year chance of flooding). The applicant has submitted a Flood Risk Assessment as is required by Policy LO1 of the CS & P DPD. This includes details of a sustainable drainage scheme (SuDS). It is relevant to note that the existing studios site is largely covered with hardstanding and buildings, and that the proposed housing development will lead to a significant increase in space for soft landscaping.
- 7.24 As mentioned previously, the principle of creating a new residential development in these relatively low risk flood zones is considered acceptable. Whilst the Environment Agency were consulted, they have not responded to the application (they also did not comment on the previous application for the 28 units and it did not form a reason for refusal). With regard to the SuDS, it is proposed to lay the parking and turning areas with permeable paving. The Local Lead Flood Authority (Surrey County Council) have raised no objection to this proposal subject to the imposition of conditions. Accordingly, the proposed impact in terms of flood risk is considered acceptable.

Need for Housing

- 7.25 In terms of the need for housing, it is relevant to have regard to paragraph 47 of the National Planning Policy Framework (NPPF) which states:
- “When considering planning applications for housing local planning authorities should have regard to the government’s requirement that they boost significantly the supply of housing and meet the full objectively assessed need for market and affordable housing in their housing area so far as is consistent with policies set out in the National Planning Policy Framework (NPPF) para 47.
- 7.26 The government also requires housing applications to be considered in the context of the presumption of sustainable development. Relevant policies for the supply of housing cannot be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable site (para 49 of NPPF).
- 7.27 The Council has embarked on a review of its Local Plan and accepts that the housing target in its Core Strategy and Policies DPD-Feb 2009 of 166 dwellings per annum is significantly short of its latest objectively assessed need of 552-757 dwellings per annum (Para 10.42 – Strategic Housing Market Assessment – Runnymede and Spelthorne – Nov 2015). On the basis of its objectively assessed housing need the Council is unable to demonstrate a five-year supply of deliverable sites.
- 7.28 Para 14 of the NPPF stresses the presumption in favour of sustainable development and that proposals which accord with a development plan should be approved without delay. When the development plan is absent, silent or relevant policies are out of date, permission should be granted unless *‘any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in the Framework taken as a whole or specific policies in this Framework indicate development should be restricted.’* This application must be considered having regard to the above requirements of Para 14 of the NPPF. “
- 7.29 Having regard to the proposed development and taking into account the above and adopted policy HO1 which encourages new development, it is considered that particular weight should be given to the merits of this development.

Local Finance Considerations

- 7.30 Under S155 of the Housing and Planning Act 2016, Local Planning Authorities are now required to ensure that potential financial benefits of certain development proposals are made public when a Local Planning Authority is considering whether or not to grant planning permission for planning applications which are being determined by the Council’s Planning Committee. A financial benefit must be recorded regardless of whether it is material to the Local Planning Authority’s decision on a planning application,

but planning officers are required to indicate their opinion as to whether the benefit is material to the application or not.

- 7.31 In consideration of S155 of the Housing and Planning Act 2016, the proposal is a CIL chargeable development and will generate approximately £1,088 in CIL Payments. This will be at a rate of £160 per sq metre of new floorspace. This is a material consideration in the determination of this planning application. The proposal will also generate a New Homes Bonus and Council Tax payments which are not material considerations in the determination of this proposal.

Other Matters

- 7.32 The current scheme has been designed so that the new houses and flats are sited well away from the southern boundary, thereby giving sufficient space for the existing protected trees in this area. The Council's tree officer has raised no objection to the proposal and it is therefore considered that the impact on the existing trees will be acceptable.
- 7.33 The applicant has submitted an ecological appraisal. Furthermore, a bat survey has been carried out, which has identified the presence of bats roosting in one of the existing buildings on the site. As the building is to be demolished, the bat survey includes a set of mitigation measures to address this issue, which are to be controlled by the imposition of an appropriate condition. A further condition is to be attached to the planning permission requiring wildlife enhancement measures (i.e. bird and bat boxes on the site). The Surrey Wildlife Trust have been consulted on the ecological appraisal and bat survey and agrees with its recommendations. The applicant will have to separately apply for a licence from Natural England to remove the bat roost. Accordingly, it is considered that the ecological issues have been satisfactorily addressed subject to conditions.
- 7.34 The applicant has submitted a boundary treatment plan which clarifies the height of the boundary walls to be maintained or altered. With regard to the existing wall of the studio building backing onto Gordon Road, this is to be reduced in height to 2.4 metres, which is considered acceptable. The proposed reduction of the wall fronting Manygate Lane to 1 metre is also considered acceptable.
- 7.35 The floorspace of the proposed units comply with the minimum standards stipulated in the SPD.
- 7.36 The applicant is proposing to install air source heat pumps in order to achieve the minimum 10% renewable energy requirement stipulated in Policy CC1 of the CS & P DPD. A renewable energy report has been submitted with the application, which the Council's Sustainability Officer considers to be acceptable.
- 7.37 The Council's Group Head of Neighbourhood Services has raised no objection on refuse collection grounds. The proposed bin store for the block of flats is considered to be sufficient in size to accommodate the necessary bins.

- 7.38 It is noted that third party representations have raised concern about the future use of the piece of land located to the south-east of the application site (it current forms part of the Halliford Studios site). The applicant has stated that this triangular piece of land at the rear of 31 Gordon Road is not within the control of the applicant (i.e. Shanly Homes) and will not be altered by this proposal.
- 7.39 The existing public footpath located to the north of the site will be unaffected by the development. The existing brick boundary wall along the site's northern boundary is to be maintained at its current height.
- 7.40 With regard to the comments from SCAN regarding disabled access, the applicant states that their homes are usually built to generous internal standards and have potential capability for adaption for disabled occupants. The proposal will have to comply with the Building Regulations. No specific disabled parking bays are shown on the site layout plan. However there are a number of bays that are capable of being provided to allow disabled access.
- 7.41 The Council's Pollution Control Officer has raised no objection on air quality grounds.
- 7.42 With regard to the Crime Prevention Officer's comments, I do not consider it is appropriate to impose a condition, as requested, relating to "Secured by Design". Many of the requirements are very detailed (e.g. types of laminated glazing and window locks), elements which are not normally covered and enforced under the planning regulations. A condition is to be imposed requiring an external lighting scheme to be implemented, partly for security purposes. However, a copy of the officer's response has been forwarded to the applicant and it is proposed to add a relevant informative to the decision notice (see below).
- 7.43 All five reasons for refusal on the previous application 16/02113/FUL have been overcome with this proposal, and accordingly the application is recommended for approval.

8. Recommendation

- 8.1 (A) To GRANT PERMISSION for the planning application subject to the prior completion of a Section 106 Agreement respect of the following:
1. To provide a financial contribution of £14,911 towards off-site affordable housing, to be paid upon the sale of the first unit.

Non Compliance of S106 Agreement

In the event that the Section 106 agreement is not completed and the applicant does not agree an extension of time for the determination of the planning application, delegate to the Planning Development Manager in consultation with the Chairman of the Planning Committee the following: -

Refuse the planning application for the following reason:

- 1) The development fails to provide a satisfactory provision of affordable housing to meet the Borough's housing needs, contrary to Policy HO3 of the Core Strategy and Policies DPD 2009.

8.2 (B) GRANT subject to the following conditions: -

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason:- This condition is required by Section 91 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans and drawings:

1323/PLN/200; /202; /205; /206; /208; /209 received 30 June 2017.

1323/PLN/201 Rev. B; /203 Rev. A; /204 Rev. A; /207 Rev. B; /210 Rev. A; /211 Rev. B; /212; received 20 September 2017.

4.1 Rev. A; 4.3 Rev. A received 20 September 2017.

Reason:- For the avoidance of doubt and in the interest of proper planning

3. Prior to the construction of the building hereby permitted is first commenced details of the materials and detailing to be used for the external surfaces of the buildings and surface material for parking areas be submitted to and approved by the Local Planning Authority.

Reason:- To ensure that the proposed development does not prejudice the appearance of the development and the visual amenities and character of the locality, in accordance with policies SP6 and EN1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

4. No development shall take place until:-

(a) A comprehensive desk-top study, carried out to identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site, has been submitted to and approved in writing by the Local Planning Authority.

(b) Where any such potential sources and impacts have been identified, a site investigation has been carried out to fully characterise the nature and extent of any land and/or groundwater contamination and its implications. The site investigation shall not be commenced until the extent and methodology of the site investigation have been agreed in writing with the Local Planning Authority.

(c) A written method statement for the remediation of land and/or groundwater contamination affecting the site shall be agreed in writing with the Local Planning Authority prior to the commencement of

remediation. The method statement shall include an implementation timetable and monitoring proposals, and a remediation verification methodology.

The site shall be remediated in accordance with the approved method statement, with no deviation from the statement without the express written agreement of the Local Planning Authority.

Reason:-

To protect the amenities of future residents and the environment from the effects of potentially harmful substances.

NOTE

The requirements of the above Condition must be carried out in accordance with current best practice. The applicant is therefore advised to contact Spelthorne's Pollution Control team on 01784 446251 for further advice and information before any work commences. An information sheet entitled "Land Affected By Contamination: Guidance to Help Developers Meet Planning Requirements" providing guidance can also be downloaded from Spelthorne's website at www.spelthorne.gov.uk.

In accordance with policies SP6 and EN15 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

5. Prior to the first use or occupation of the development, and on completion of the agreed contamination remediation works, a validation report that demonstrates the effectiveness of the remediation carried out shall be submitted to and agreed in writing by the Local Planning Authority.

Reason:- To protect the amenities of future residents and the environment from the effects of potentially harmful substances.

6. Prior to the construction of the building hereby permitted is first commenced a report shall be submitted to and agreed by the Local Planning Authority which includes details and drawings demonstrating how 10% of the energy requirements generated by the development as a whole will be achieved utilising renewable energy methods and showing in detail the estimated sizing of each of the contributing technologies to the overall percentage. The detailed report shall identify how renewable energy, passive energy and efficiency measures will be generated and utilised for each of the proposed buildings to meet collectively the requirement for the scheme. The agreed measures shall be implemented with the construction of the building and thereafter retained and maintained to the satisfaction of the Local Planning Authority unless otherwise agreed in writing.

Reason:- To ensure that the development is sustainable and complies with Policy SP7 and CC1 of the Spelthorne Development Plan Core Strategy and Policies DPD.

7. Prior to the construction of the building hereby permitted, a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed before the building is occupied and thereafter maintained as approved.

Reason:- To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties and the appearance of the locality, in accordance with policies SP6 and EN1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

8. No new development shall be occupied until space has been laid out within the site in accordance with the approved plans for cars to be parked and for vehicles to turn so that they exit the site in forward gear. The parking area and access shall be used and retained exclusively for its designated purpose.

Reason: The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users.

9. No new development shall be occupied until space has been laid out within the site in accordance with the approved plans to provide secure, lit and covered cycle parking to the satisfaction of the Local Planning Authority and shall thereafter be permanently maintained

Reason:- The above condition is required in recognition of Section 4 (Promoting Sustainable Transport) of the NPPF

10. That within 3 months of the commencement of any part of the development permitted, or such longer period as may be approved by the Local Planning Authority, facilities shall be provided within the curtilage of the site for the storage of refuse and waste materials in accordance with the approved plans, and thereafter the approved facilities shall be maintained as approved.

Reason:- To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties and the appearance of the locality, in accordance with policies SP6 and EN1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

11. Prior to the occupation of the building hereby permitted details including a technical specification of all proposed external lighting shall be submitted to and approved in writing by the Local Planning Authority. The agreed external lighting shall be implemented prior to the occupation of the building and shall at all times accord with the approved details.

Reason:- To safeguard the amenity of neighbouring residential properties and in the interest of security.

12. No construction of the building hereby permitted shall take place until full details of both soft and hard landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. The trees, shrubs and other associated proposals shall be planted on the site within a period of 12 months from the date on which the building hereby permitted is first commenced, or such longer period as may be approved by the Local Planning Authority, and that the planting so provided shall be maintained as approved for a period of 5 years, such maintenance to include the replacement in the current or next planting season whichever is the sooner, of any trees or shrubs that may die, are removed or become seriously damaged or diseased, with others of similar size and species, unless the Local Planning Authority gives written permission to any variation.

Reason:- To minimise the loss of visual amenity occasioned by the development and to enhance the proposed development.

13. The proposed tree surgery works, tree protection measures, demolition and construction works and timescales shall be carried out strictly in accordance with the recommendations in the ACD Environmental Arboricultural Impact Assessment & Method Statement Revision A-02.06.17 and its Tree Protection Plan SH20941-03A received 30 June 2017.

Reason:- To prevent damage to the trees in the interest of the visual amenities of the area, in accordance with policies SP6 and EN1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

14. The development hereby permitted shall not commence until the detailed design of the surface water drainage scheme have been submitted to and approved in writing by the planning authority. Those details shall include:

a) A design that satisfies the SuDS Hierarchy and follows the principles set out in the approved drainage strategy '*Flood Risk Assessment for the Proposed Development at Halliford Studios*'

b) Detailed drawings showing drainage layout, long or cross sections of each drainage element, pipe sizes and invert and cover levels.

c) Appropriate calculations to the elements above showing how the national SuDS standards have been met (if different from approved strategy).

d) Details of outline construction phasing and how surface water and any associated pollution risk will be dealt with during the construction of the development, and how any on site drainage systems will be protected and maintained.

e) Details of who will maintain the drainage elements and their associated maintenance regimes.

Reason: To ensure the design meets the technical stands for SuDS, does not increase flood risk on or off site and is suitable maintained throughout its lifetime.

15. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority to demonstrate that the Sustainable Urban Drainage System has been constructed as per the agreed scheme.

Reason: To ensure the Sustainable Drainage System is designed to the technical standards

16. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the Planning Authority.

Reason: The site is capable of containing archaeological remains and it is important that the archaeological information should be preserved as a record before it is destroyed by the development.

17. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (or any Order revoking and re-enacting that Order), no extensions or outbuildings shall be erected to the residential development hereby permitted without the prior planning permission of the Local Planning Authority.

Reason:- To safeguard the amenity of neighbouring properties.

18. Prior to the commencement of construction, a scheme to provide bird boxes and bat boxes/tubes on the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented before the buildings are occupied and thereafter maintained.

Reason:- To encourage wildlife on the site.

19. The proposed demolition and development works shall be carried out strictly in accordance with the Recommendations set out in Section 6 of the ACD Environmental Ecological Impact Assessment dated October 2017.

Reason:- In the interest of preventing harm to wildlife.

20. Before the first occupation of any part of the development, a landscape management plan including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas

shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved.

Reason:- To minimise the loss of visual amenity occasioned by the development and to enhance the proposed development.

21. Notwithstanding the submitted plans numbered 4.1 Rev A and 4.3 Rev A, the development hereby approved shall not be occupied unless and until the existing vehicular access to Manygate Lane has been constructed and provided with dropped kerbs and tactile paving at the pedestrian crossings points across the access in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2012 and policy CC2 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

22. No development shall commence, including any demolition works, until a Construction Transport Management Plan, to include details of:

- (a) parking for vehicles of site personnel, operatives and visitors
- (b) loading and unloading of plant and materials
- (c) storage of plant and materials
- (d) programme of works (including measures for traffic management)
- (e) provision of boundary hoarding behind any visibility zones
- (f) HGV deliveries and hours of operation
- (g) measures to prevent the deposit of materials on the highway
- (h) no HGV movements to or from the site shall take place no later than one hour before Thamesmead School opens in the morning, up to one hour after Thamesmead School closes nor shall the contractor permit any HGVs associated with the development at the site to be laid up, waiting, in Manygate Lane, Russell Road or Green Lane during these times.

- (i) on-site turning for construction vehicles

Has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development.

23. Notwithstanding the submitted Residential Travel Statement dated June 2017 prior to the occupation of the development a revised travel statement shall be submitted for the written approval of the Local Planning Authority. The Residential Travel Statement shall include details of the locations of employment, education, retail and leisure land uses within 2km walking and 5 km cycling distance from the site. And then the approved travel statement shall be implemented upon occupation of the site and for each and every subsequent occupation of the development, thereafter maintain and develop the travel statement to the satisfaction of the Local Planning Authority.

Reason: The above condition is required in recognition of Section 4 (Promoting Sustainable Transport) of the NPPF.

24. Prior to the occupation of the development hereby permitted the first floor window on the southern elevation of the block of flats hereby approved shall be obscure glazed and be non-opening to a minimum height of 1.7 metres above internal floor level in accordance with details/samples of the type of glazing pattern to be submitted to and approved in writing by the Local Planning Authority. This window shall thereafter be permanently retained as installed.

Reason:- To safeguard the privacy of the adjoining property(ies), in accordance with policies SP6 and EN1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

25. Prior to the occupation of the development hereby permitted, details of a privacy screen to be installed on the southern flank of the first floor balcony of Unit 17 shall be submitted to and approved in writing by the Local Planning Authority. The approved privacy screen shall be installed before the occupation of Unit 17 and thereafter retained.

Reason:- To safeguard the privacy of the adjoining property(ies), in accordance with policies SP6 and EN1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

26. No new development shall be occupied until three parking spaces has been laid out within the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority for five dual fast charging point for electric vehicles. The scheme shall include details of criteria for laying out of two additional adjacent spaces as a charging bays in the future. The charging points shall be retained exclusively for its designated purpose."

Reason: The above condition is required in recognition of Section 4 (Promoting Sustainable Transport) of the NPPF.

Informatives

1. Please note that this application is subject to the payment of Community Infrastructure Levy (CIL). Full details of the charge, how it has been calculated and what happens next are set out in the CIL Liability Notice which will be sent separately.

If you have not already done so an Assumption of Liability notice should be sent to the Council as soon as possible and before the commencement of development.

Further information on CIL and the stages which need to be followed is available on the Council's website. www.spelthorne.go.uk/CIL.

2. The applicant's attention is drawn to the ACPO/Home Office Secured by Design (SBD) award scheme, details of which can be viewed at www.securedbydesign.com.

3. You are advised that the Council will expect the following measures to be taken during any building operations to control noise, pollution and parking:

- A detailed specification of demolition and construction works at each phase of development including consideration of all environmental impacts and the identified remedial measures;
- Site perimeter automated noise and dust monitoring;
- Engineering measures to eliminate or mitigate identified environmental impacts e.g. hoarding height and density, acoustic screening, sound insulation, dust control measures, emission reduction measures, location of specific activities on site, etc.;
- Arrangements for a direct and responsive site management contact for nearby occupiers during demolition and/or construction (signage on hoardings, newsletters, residents liaison meetings, etc.)
- A commitment to adopt and implement of the ICE Demolition Protocol and Considerate Contractor Scheme;
- To follow current best construction practice BS 5228-1:2009+A1:2014 'Code of practice for noise and vibration control on construction and open sites',
- BS 7385-2:1993 Evaluation and measurement for vibration in buildings. Guide to damage levels from ground borne vibration,
- BS 6472-1:2008 'Guide to evaluation of human exposure to vibration in buildings - vibration sources other than blasting,
- Relevant EURO emission standards to comply with Non-Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999,
- Relevant CIRIA practice notes, and
- BRE practice notes.
- Site traffic – Routing of in-bound and outbound site traffic, one-way site traffic arrangements on site, location of lay off areas, etc.;
- Site waste Management – Accurate waste stream identification, separation, storage, registered waste carriers for transportation and disposal at appropriate destinations.
- Noise mitigation measures employed must be sufficient to ensure that the noise level criteria as outlined in BS8233:2014 and WHO guidelines is achieved.

4. The applicant is advised that Thames Water recommends that petrol/oil interceptors be fitted in all car parking spaces. Failure to enforce the effective use of petrol/oil interceptors could result in oil polluted discharges entering local watercourses.

5. The permission hereby granted shall not be construed as authority to obstruct the public highway by the erection of scaffolding, hoarding or any other device or apparatus for which a licence must be sought from the Highway Authority Local Highways Service.

6. The permission hereby granted shall not be construed as authority to carry out any works on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see <http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-managementpermit-scheme>. The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/floodingadvice.

7. 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).

8. The developer is advised that as part of the detailed design of the highway works required by the above condition(s), the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.

9. The applicant's attention is drawn to the ACPO/Home Office Secured by Design (SBD) award scheme, details of which can be viewed at www.securedbydesign.com.

10. You are advised that the Council will expect the following measures to be taken during any building operations to control noise, pollution and parking:

(a) Work that is audible beyond the site boundary should only be carried out between 08:00hrs to 18:00hrs Monday to Friday, 08:00hrs to 13:00hrs Saturday and not at all on Sundays or any Public and/or Bank Holidays;

(b) The quietest available items of plant and machinery should be used on site. Where permanently sited equipment such as generators are necessary, they should be enclosed to reduce noise levels;

(c) Deliveries should only be received within the hours detailed in (a) above;

(d) Adequate steps should be taken to prevent dust-causing nuisance beyond the site boundary. Such uses include the use of hoses to damp down stockpiles of materials, which are likely to generate airborne dust, to damp down during stone/slab cutting; and the use of bowsers and wheel washes;

(e) There should be no burning on site;

(f) Only minimal security lighting should be used outside the hours stated above; and

(g) Building materials and machinery should not be stored on the highway and contractors' vehicles should be parked with care so as not to cause an obstruction or block visibility on the highway.

Further details of these noise and pollution measures can be obtained from the Council's Environmental Health Services Unit. In order to meet these requirements and to promote good neighbourliness, the Council recommends that this site is registered with the Considerate Constructors Scheme - www.ccscheme.org.uk/index.php/site-registration.

11. The applicant is advised that the essential requirements for an acceptable communication plan forming part of a Method of Construction Statement are viewed as:

- (a) how those likely to be affected by the site's activities are identified and how they will be informed about the project, site activities and programme;
- (b) how neighbours will be notified prior to any noisy/disruptive work or of any significant changes to site activity that may affect them;
- (c) the arrangements that will be in place to ensure a reasonable telephone response during working hours;
- (d) the name and contact details of the site manager who will be able to deal with complaints; and
- (e) how those who are interested in or affected will be routinely advised regarding the progress of the work. Registration and operation of the site to the standards set by the Considerate Constructors Scheme (<http://www.ccscheme.org.uk/>) would help fulfil these requirements.

12. The applicant is advised that they will need to obtain a European Protected Species (EPS) licence from Natural England following the receipt of planning permission and prior to any works which may affect bats.

The Town and Country Planning (Development Management Procedure) (England) Order 2015

Working in a positive/proactive manner

In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of paragraphs 186-187 of the NPPF. This included the following:-

- a) Provided pre-application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable development.
- b) Provided feedback through the validation process including information on the website, to correct identified problems to ensure that the application was correct and could be registered;
- c) Have suggested/accepted/negotiated amendments to the scheme to resolve identified problems with the proposal and to seek to foster sustainable development.

- d) Have proactively communicated with the applicant through the process to advise progress, timescales or recommendation.



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All dimensions and levels must be checked on site and verified prior to construction

Notes

A	Amendments	09.08.17
Rev.	Description	Date

Project

Proposed Redevelopment of
Halliford Studios Site
Manygate Lane
Shepperton

Drawing Title

Indicative Proposed
Street Scenes

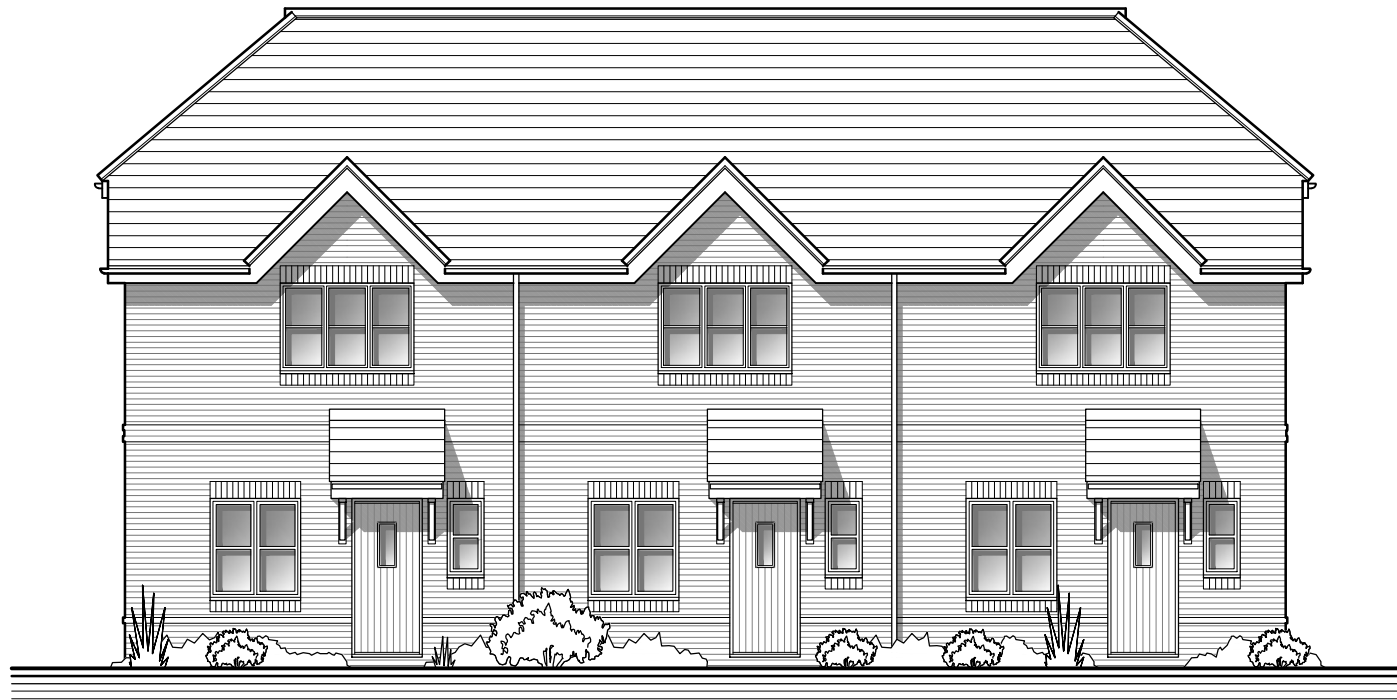


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Buckinghamshire. HP9 1LW
Tel: 01494 671331
Fax: 01494 676417
DX 34507 Beaconsfield

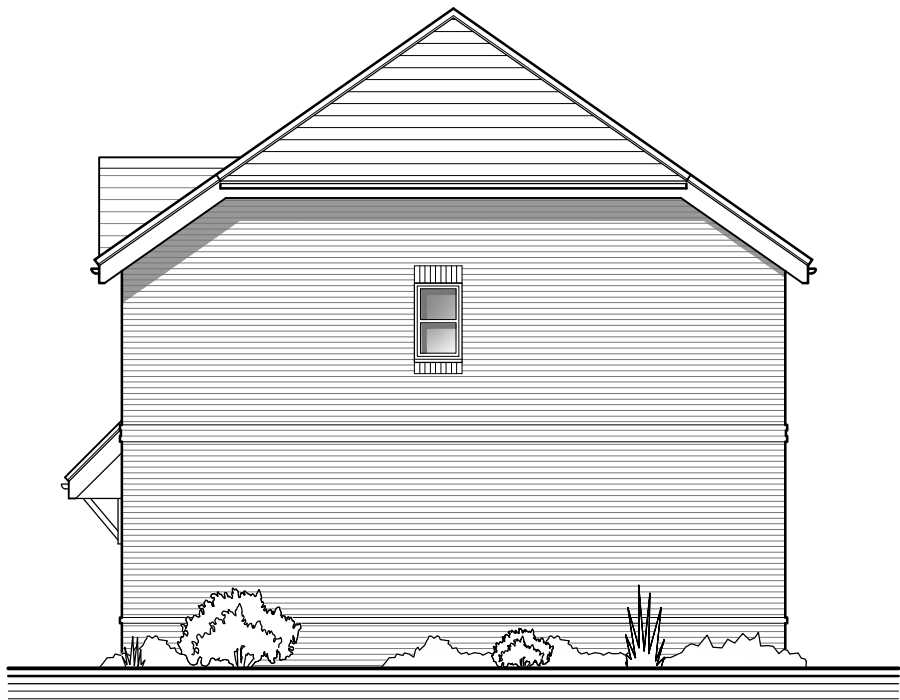
Drawn By: AJT	Date: 29.06.17
Scale: 1:200	A2
Drawing No. 1323/PLN/210	Revision A

Manygate Lane Street Scene

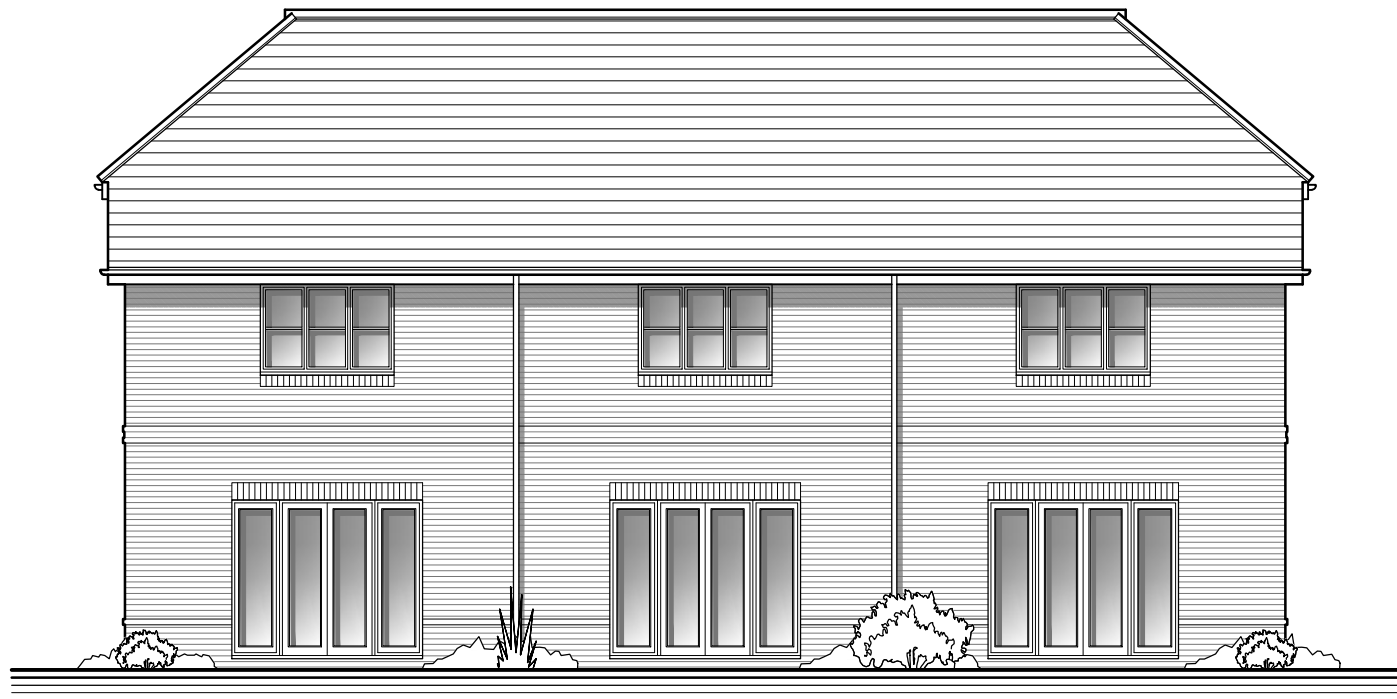




Front Elevation



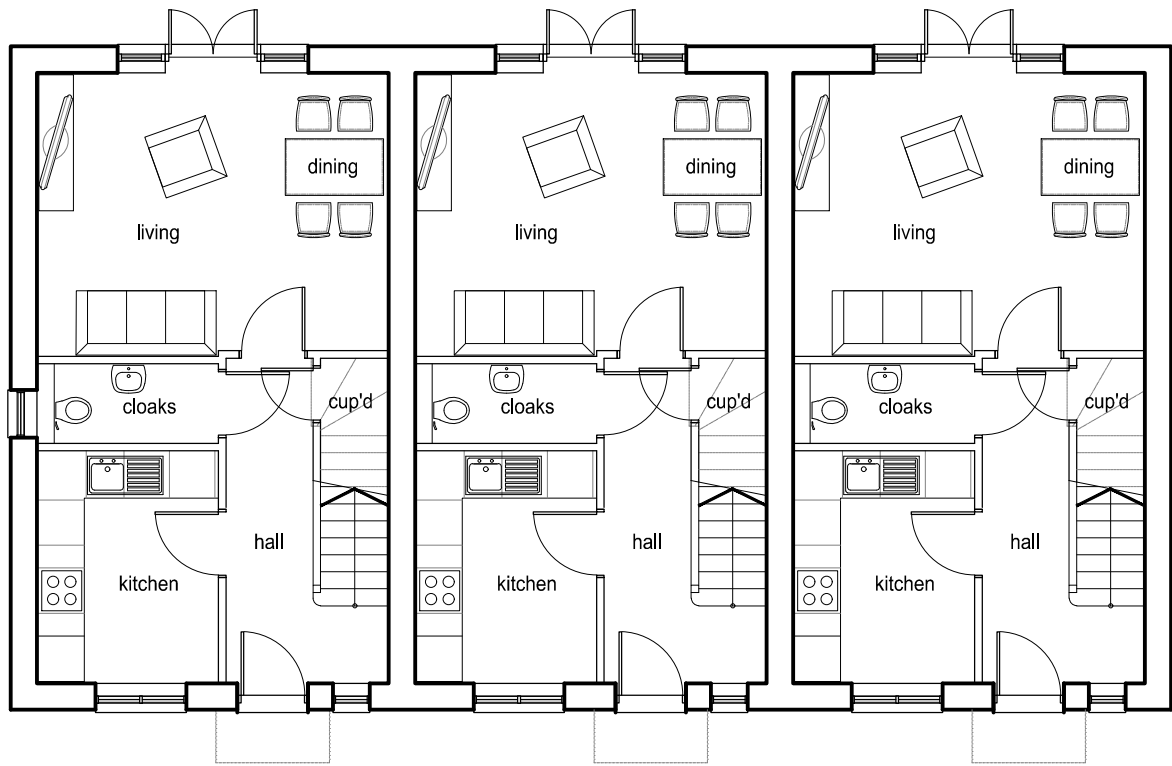
Side Elevation



Rear Elevation



Side Elevation



Ground Floor Plan



First Floor Plan

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All dimensions and levels must be checked on site and verified
prior to construction

Notes

Rev.	Description	Date
*	***	*** **

Project

Proposed Redevelopment of
Halliford Studios Site
Manygate Lane
Shepperton

Drawing Title

Proposed Floor Plans
and Elevations
(Plots 1-3)

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Drawn By: AJT	Date: 29.06.17
Scale: 1:100	A2
Drawing No. 1323/PLN/202	Revision



Front Elevation



Side Elevation



Rear Elevation



Side Elevation

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Notes

Rev.	Description	Date
A	Amendments	18.07.17

Project

Proposed Redevelopment of
Halliford Studios Site
Manygate Lane
Shepperton

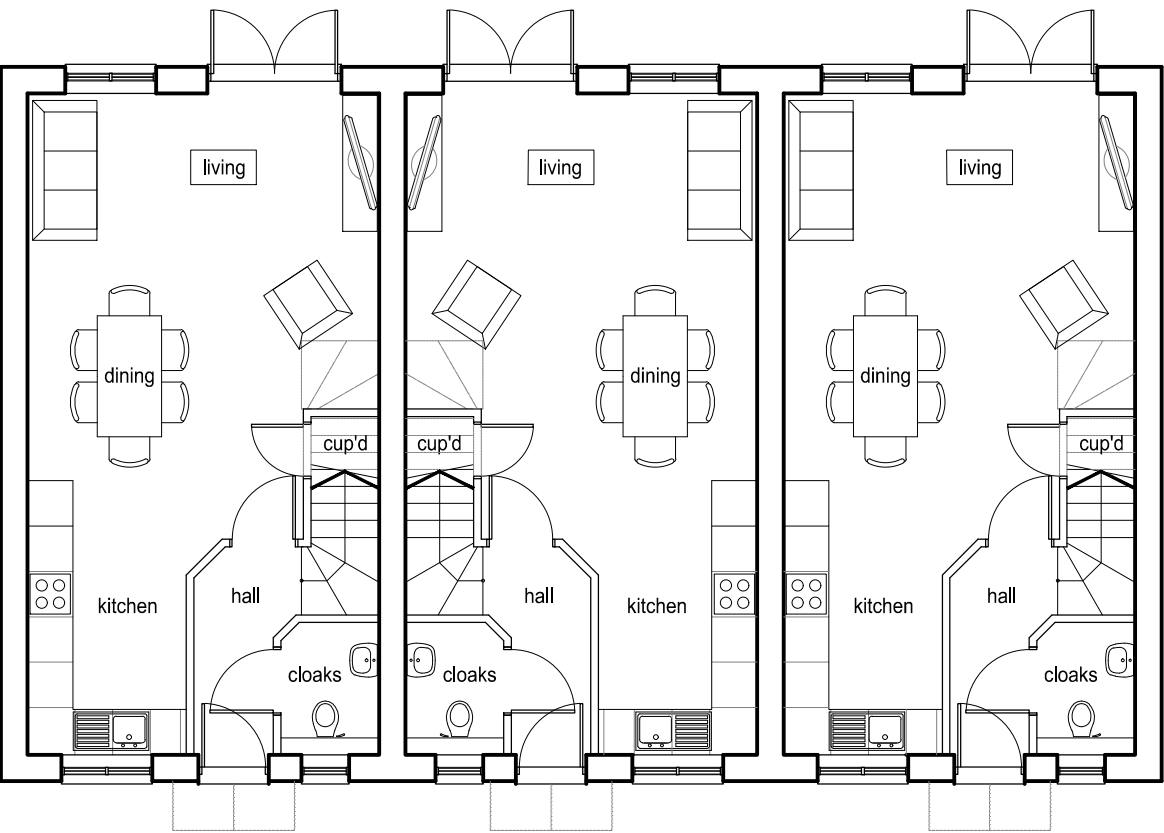
Drawing Title

Proposed Floor Plans
and Elevations
(Plots 4-6)

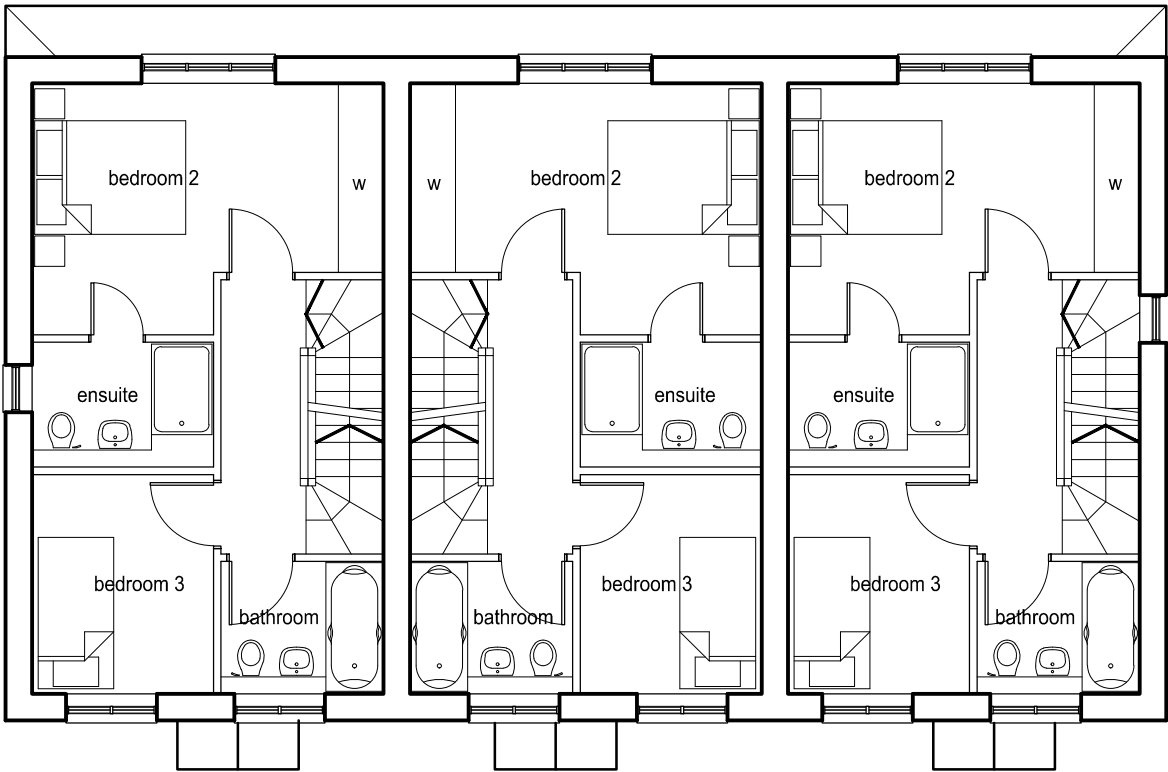
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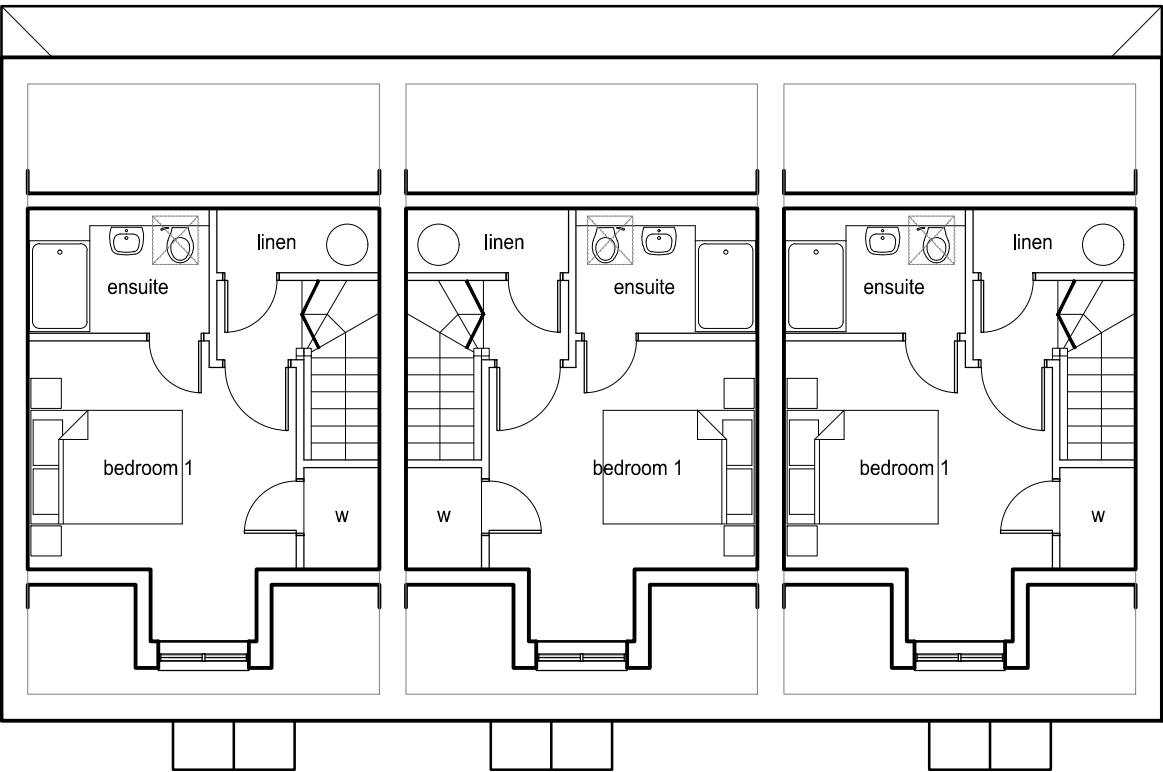
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Drawing No. 1323/PLN/203	Revision A



Ground Floor Plan



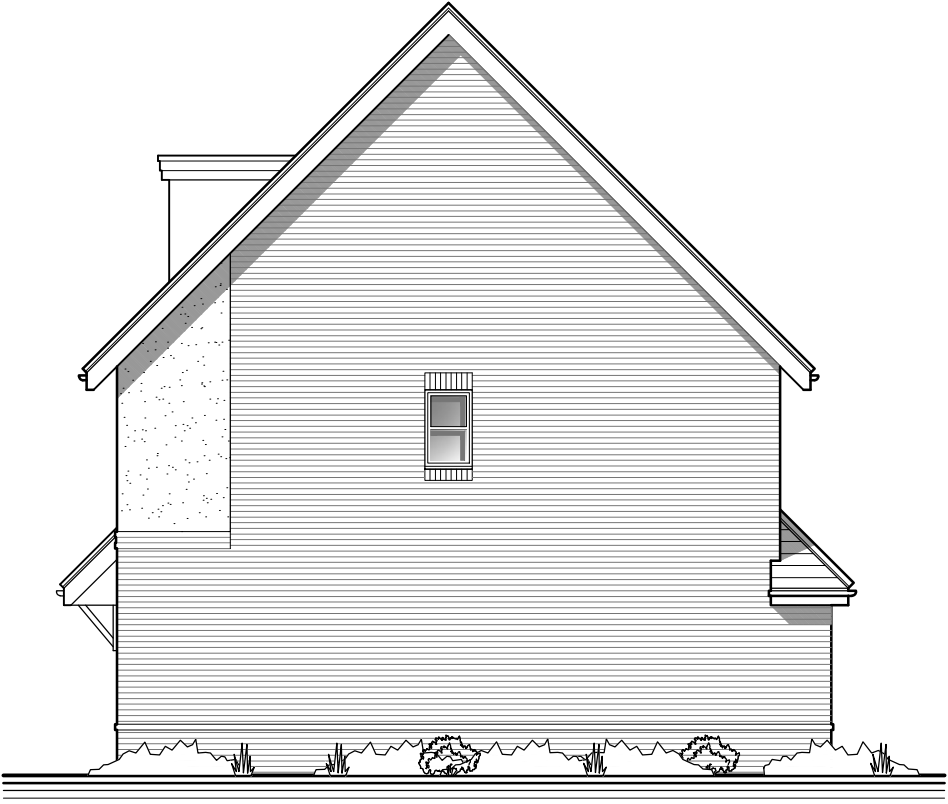
First Floor Plan



Second Floor Plan



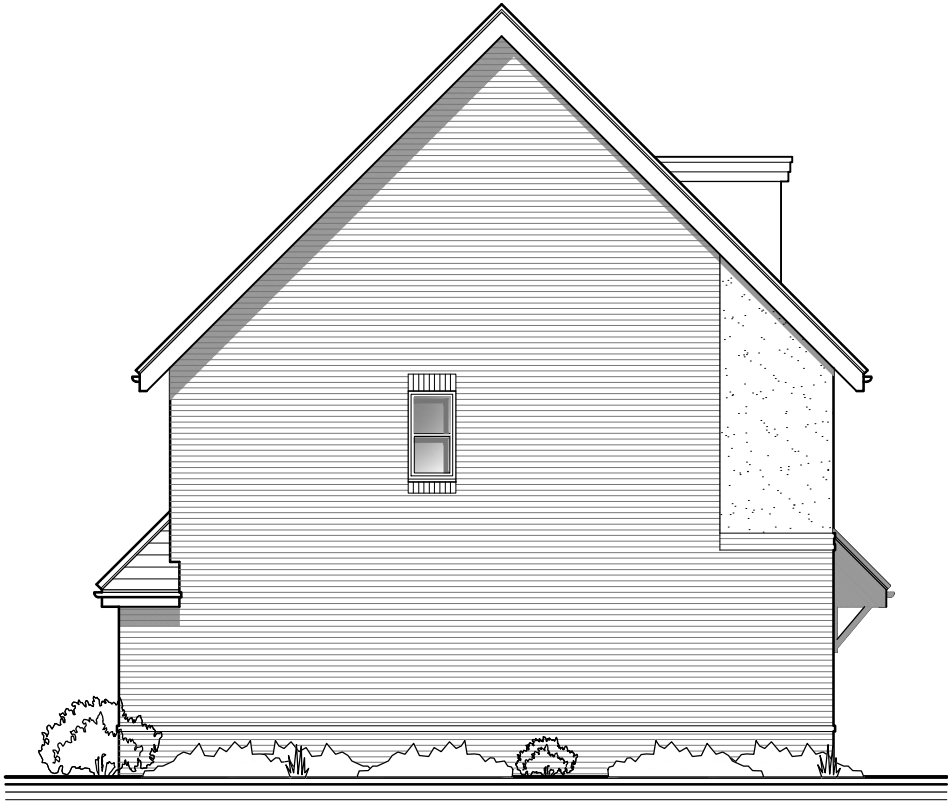
Front Elevation



Side Elevation



Rear Elevation



Side Elevation

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Notes

Rev.	Description	Date
A	Amendments	18.07.17

Project

Proposed Redevelopment of
Halliford Studios Site
Manygate Lane
Shepperton

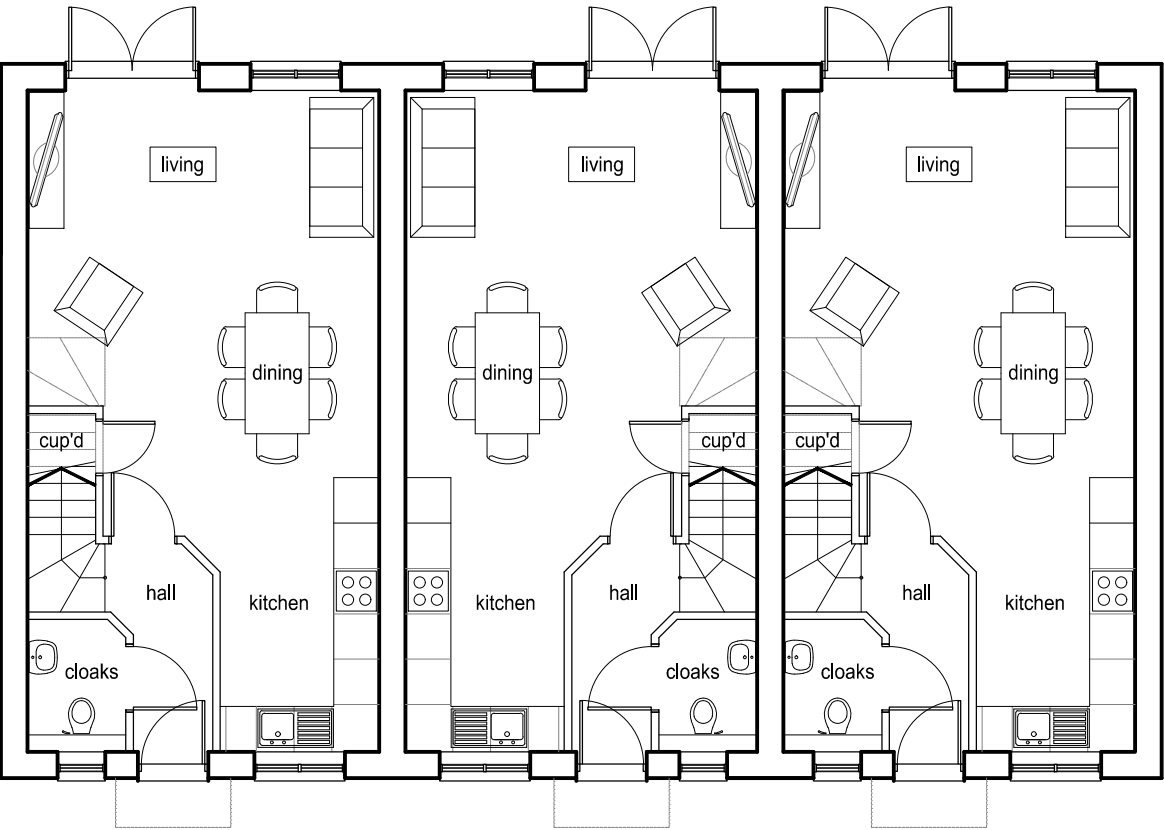
Drawing Title

Proposed Floor Plans
and Elevations
(Plots 7-9)

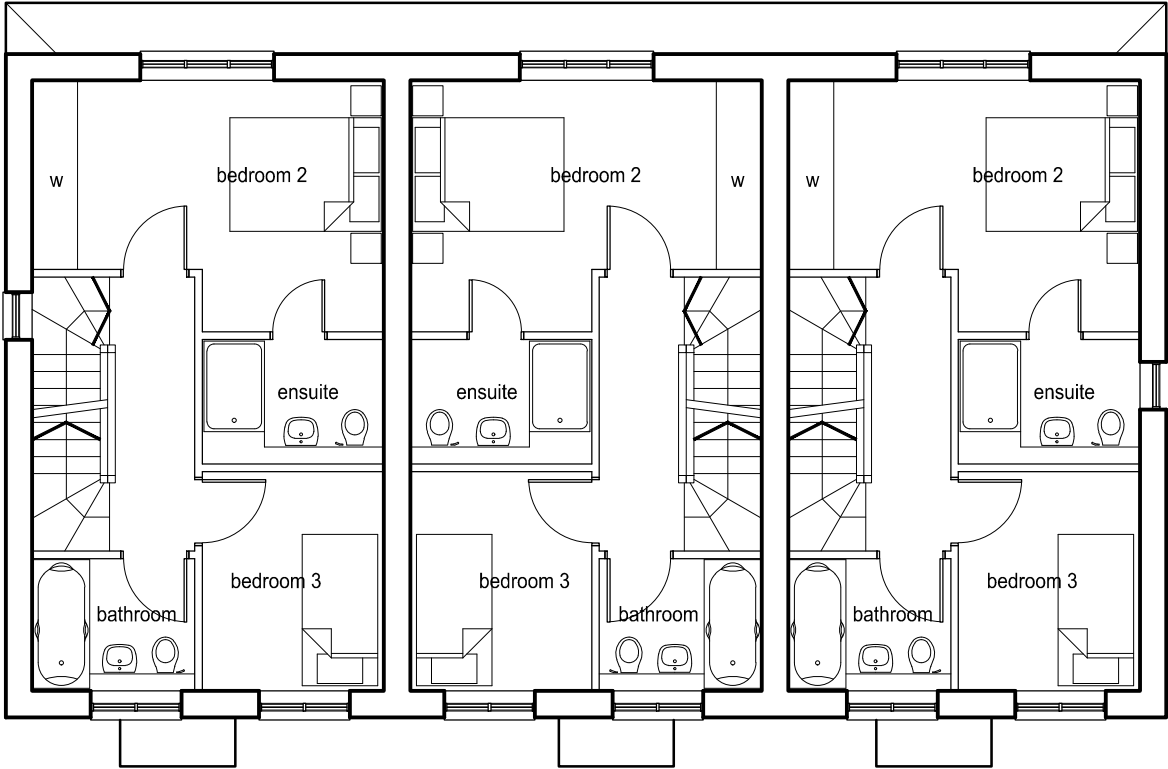
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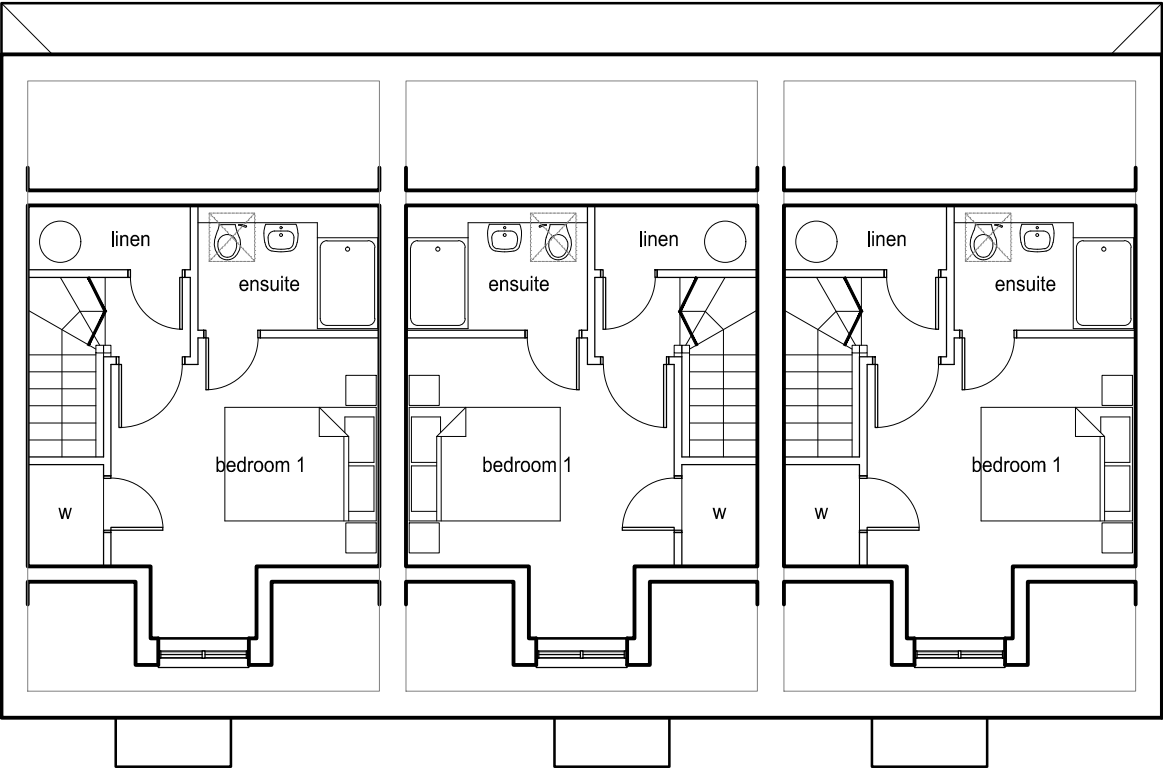
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Scale: 1:100	A2
Drawing No. 1323/PLN/204	Revision A



Ground Floor Plan



First Floor Plan



Second Floor Plan

Notes

*	***	** * * * *
Rev.	Description	Date

Project

Proposed Redevelopment of
Halliford Studios Site
Manygate Lane
Shepperton

Drawing Title

Proposed Floor Plans and Elevations (Plots 10-11)



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Scale: 1:100	A2
Drawing No. 1323/PLN/205	Revision



Front Elevation



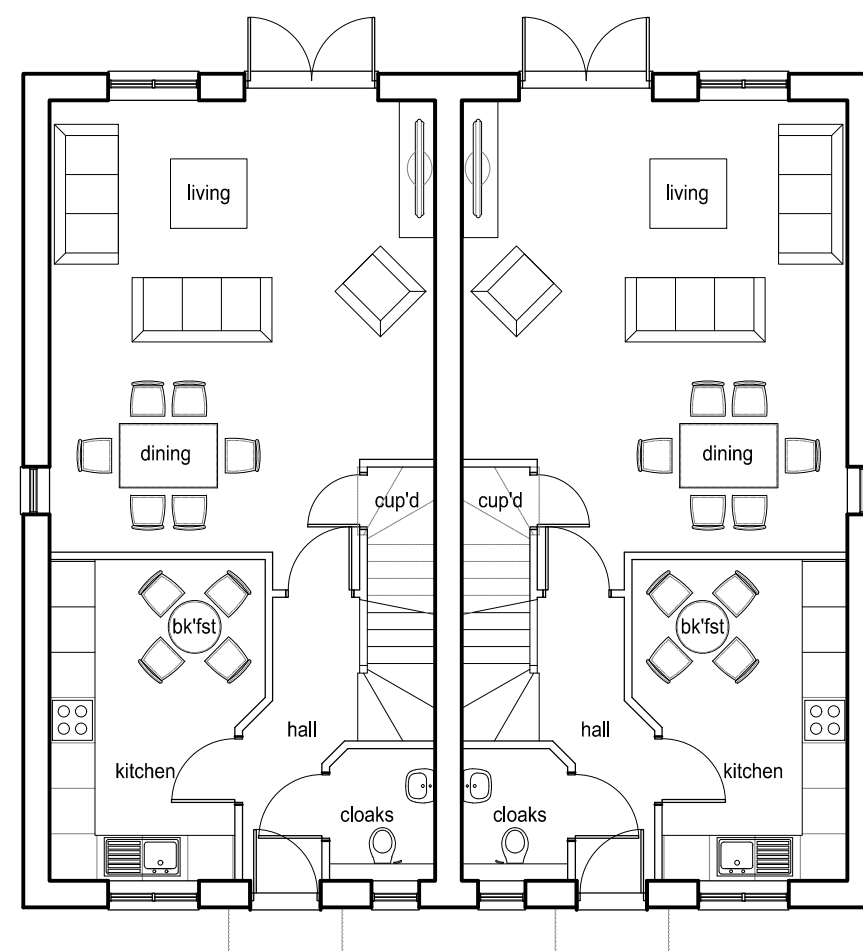
Side Elevation



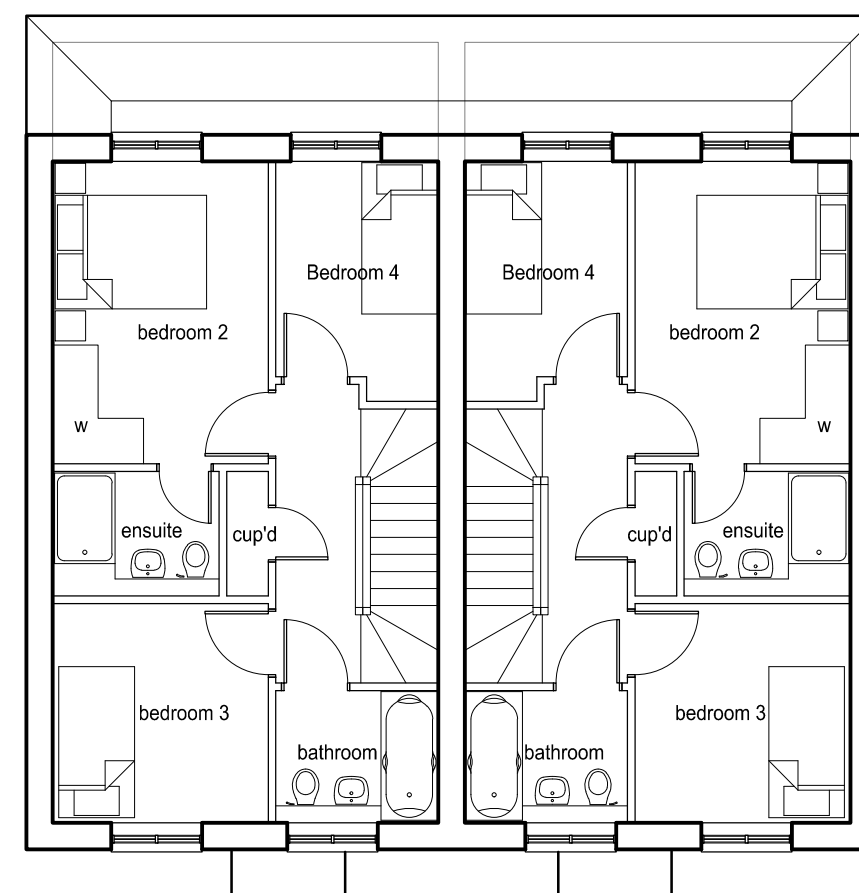
Rear Elevation



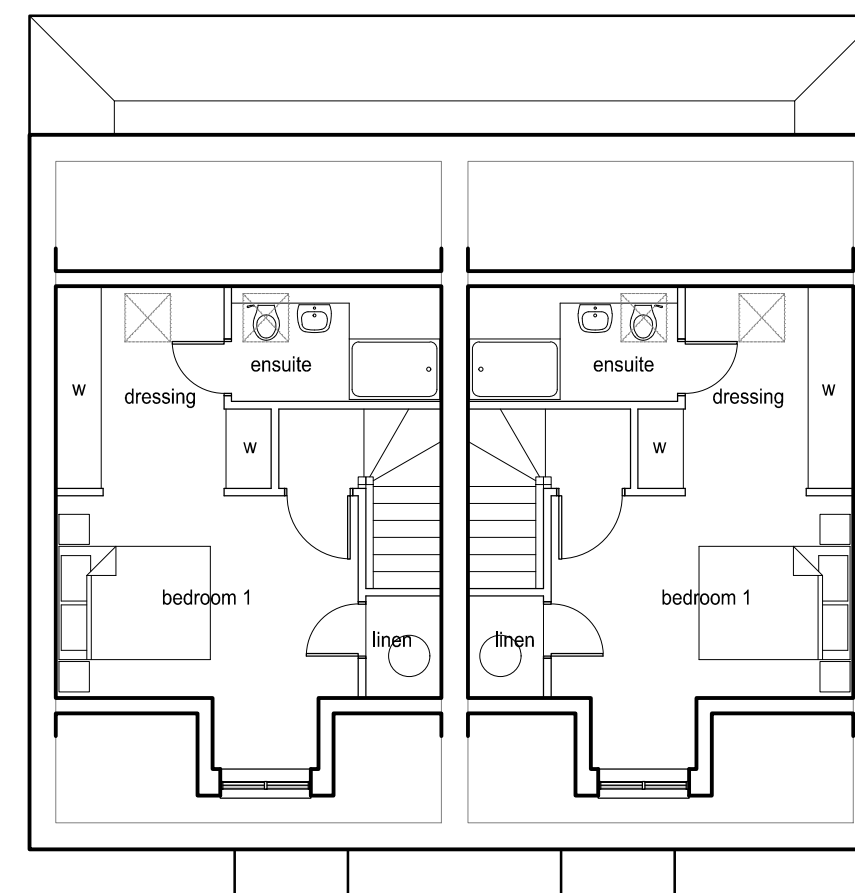
Side Elevation



Ground Floor Plan



First Floor Plan



Second Floor Plan



Front Elevation



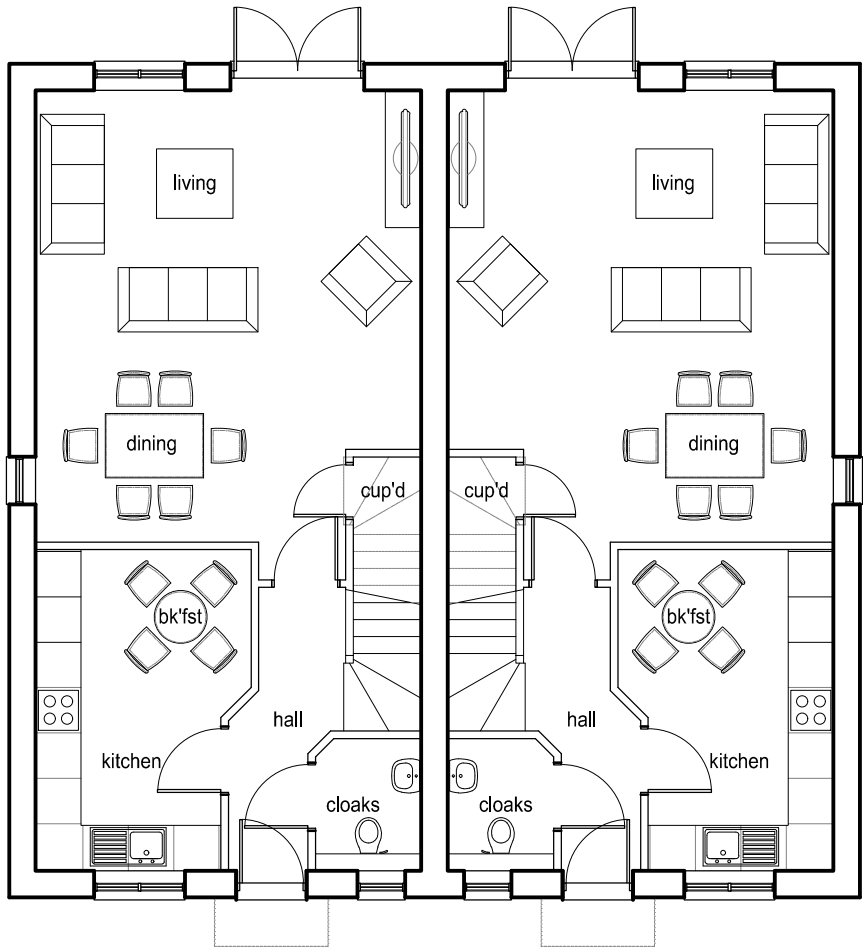
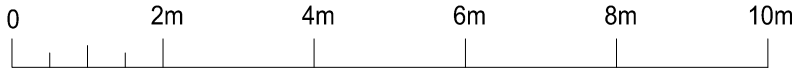
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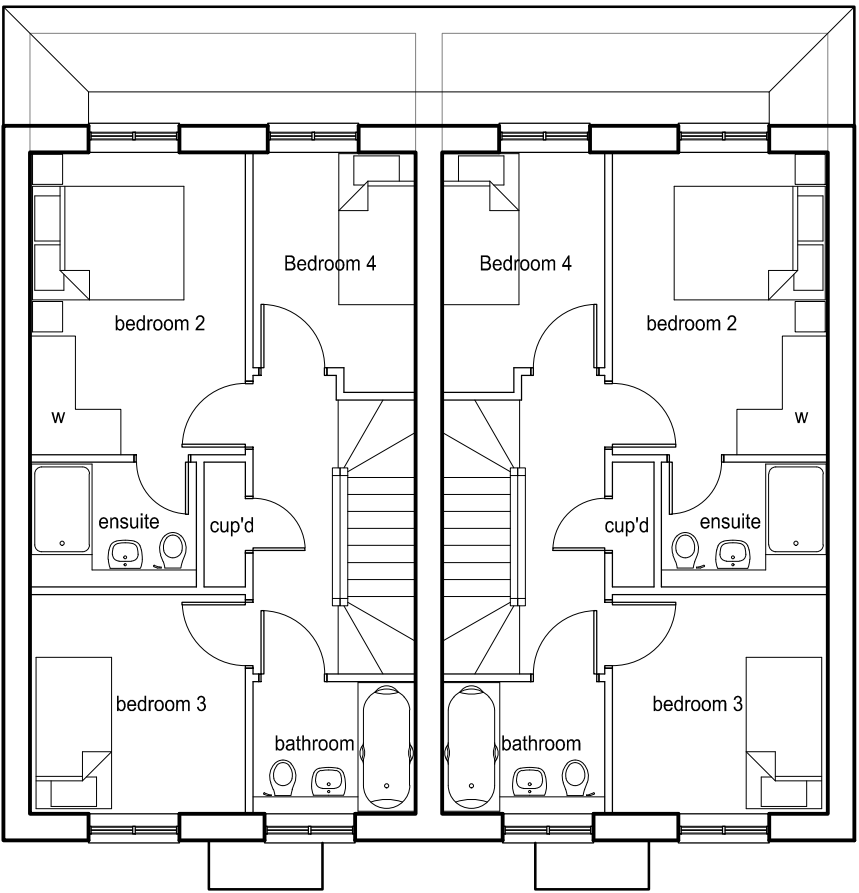
Rear Elevation



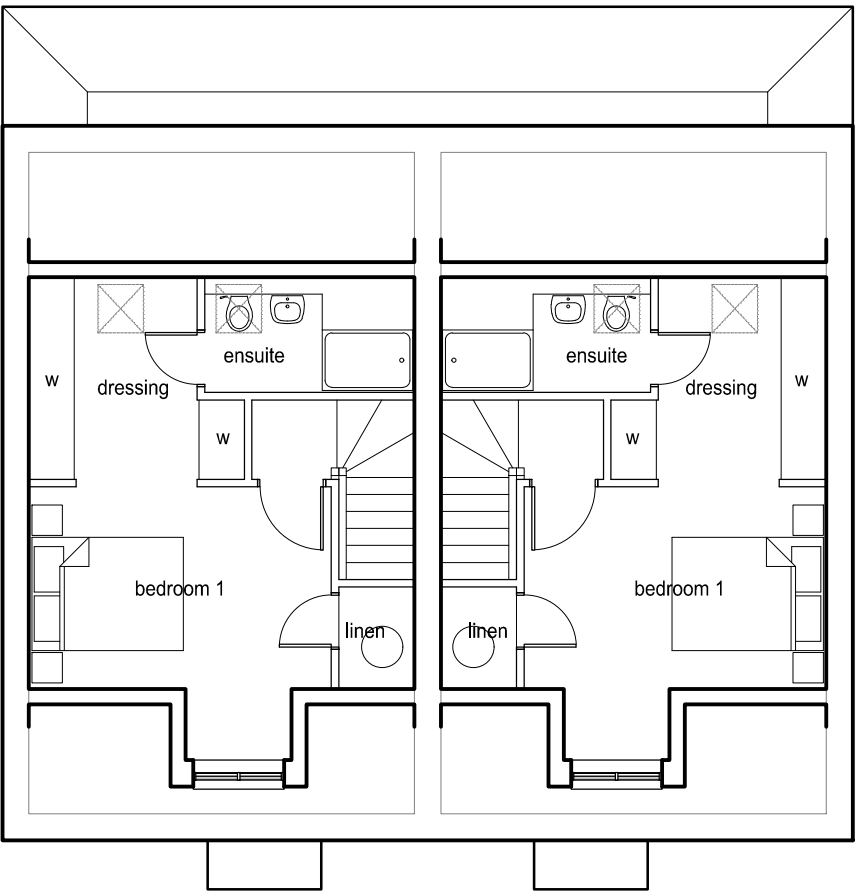
Side Elevation



Ground Floor Plan



First Floor Plan



Second Floor Plan

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Notes

Rev.	Description	Date
*	***	** ** *

Project

Proposed Redevelopment of
Halliford Studios Site
Manygate Lane
Shepperton

Drawing Title

Proposed Floor Plans
and Elevations
(Plots 12-13)

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Drawing No. 1323/PLN/206	Revision



East Elevation



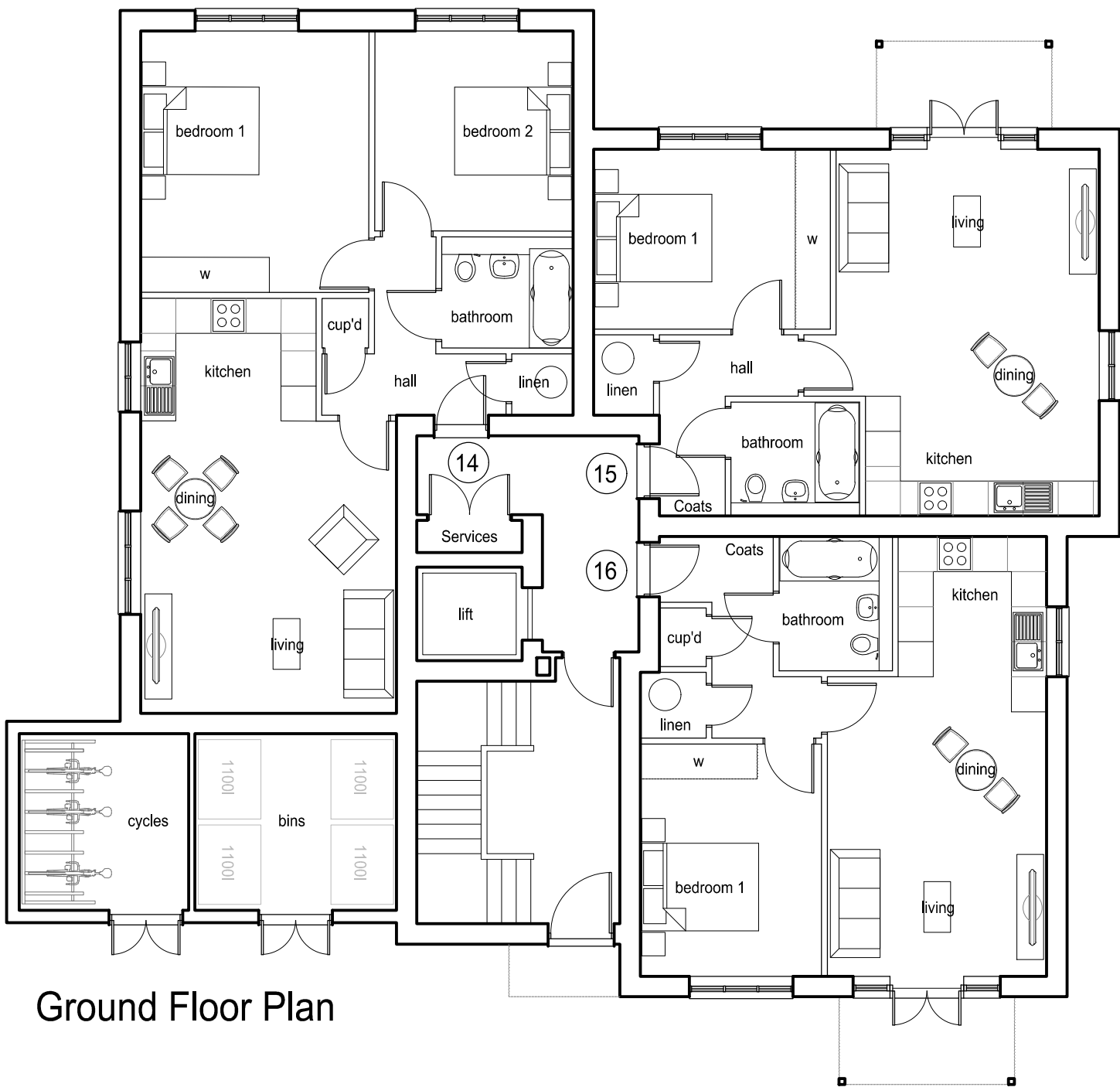
North Elevation



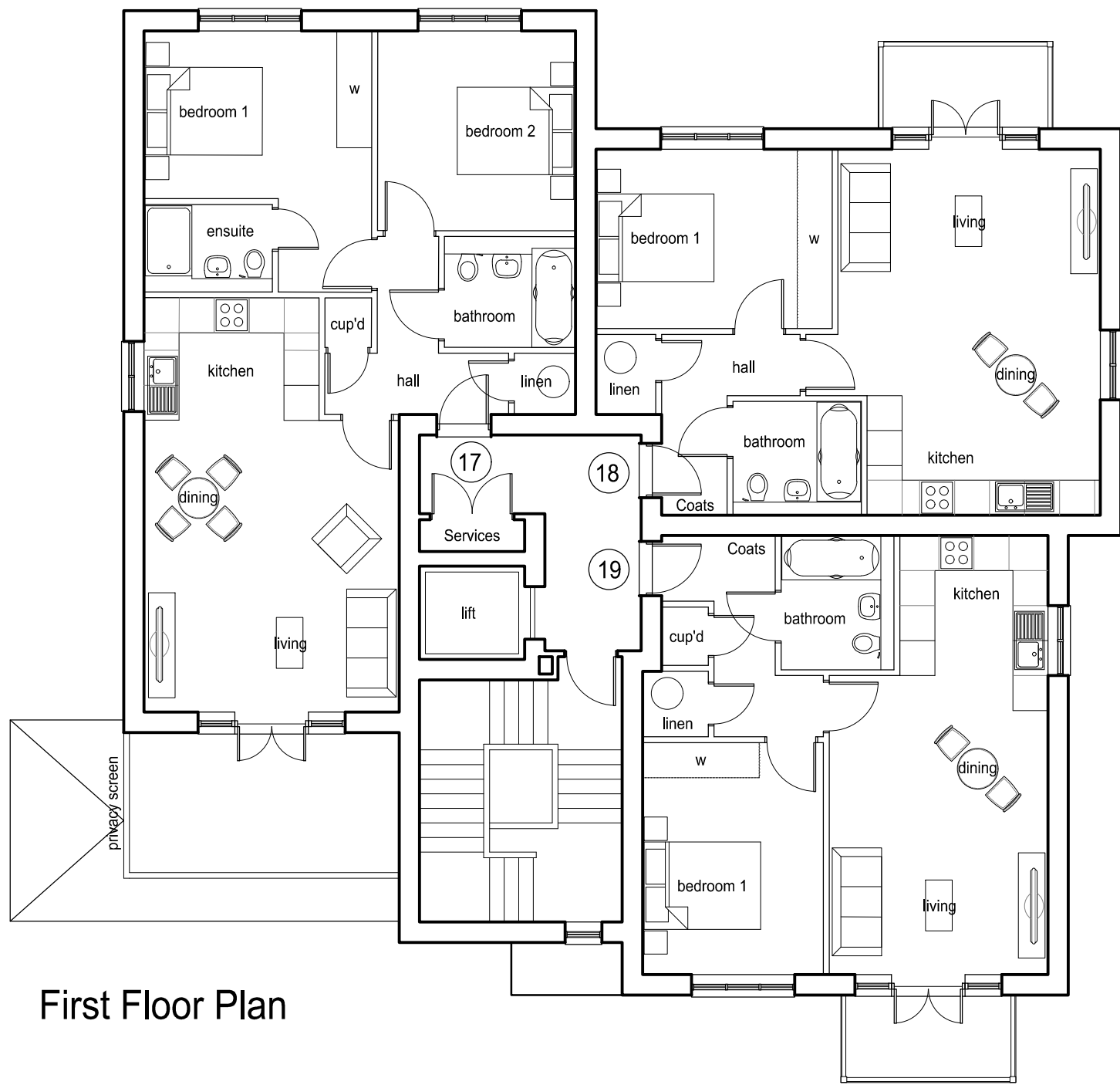
West Elevation (Manygate Lane)



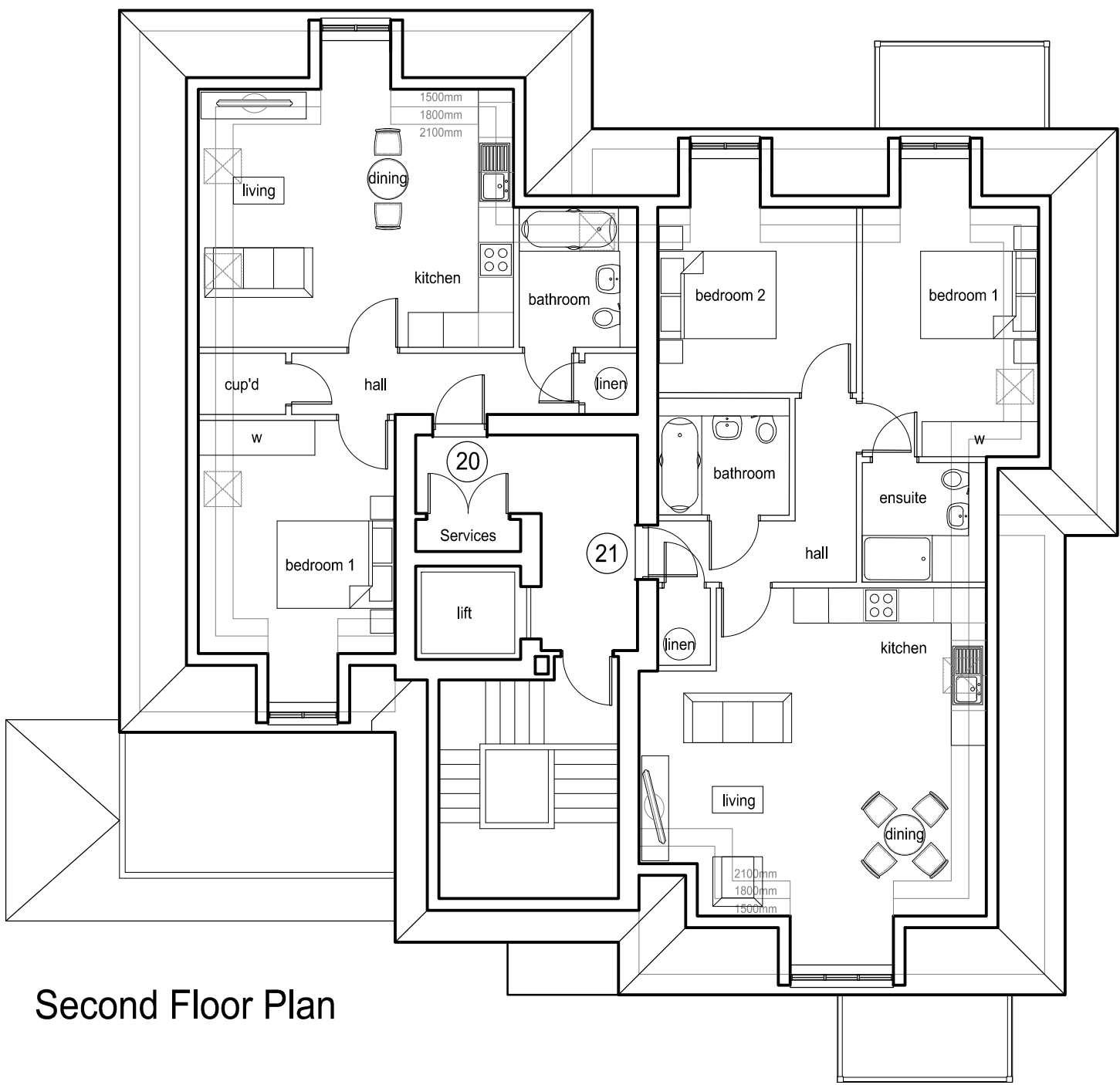
South Elevation



Ground Floor Plan



First Floor Plan



Second Floor Plan

Consultant

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Notes		
B	Amendments	09.08.17
A	Amendments	18.07.17
Rev.	Description	Date

Project

Proposed Redevelopment of
Halliford Studios Site
Manygate Lane
Shepperton

Drawing Title

Proposed Floor Plans
and Elevations
(Plots 14-21)

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Scale: 1:100	A1
Drawing No. 1323/PLN/207	Revision B

Notes

*	***	*** **
Rev.	Description	Date

Project

Proposed Redevelopment of
Halliford Studios Site
Manygate Lane
Shepperton

Drawing Title

Proposed Floor Plans
and Elevations
(Plots 22-24)

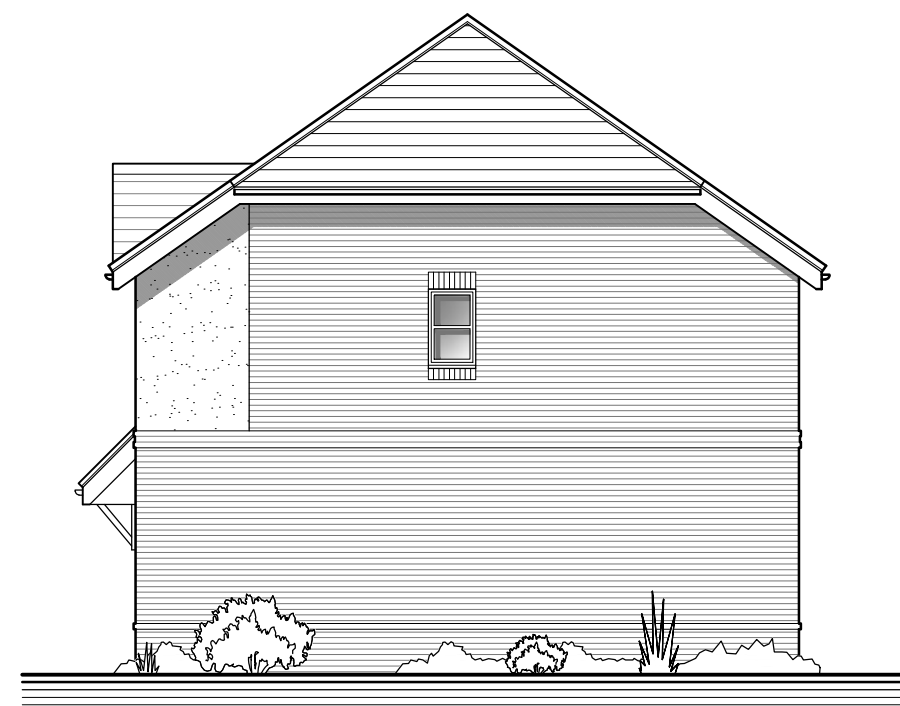
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Drawing No. 1323/PLN/208	Revision



Front Elevation



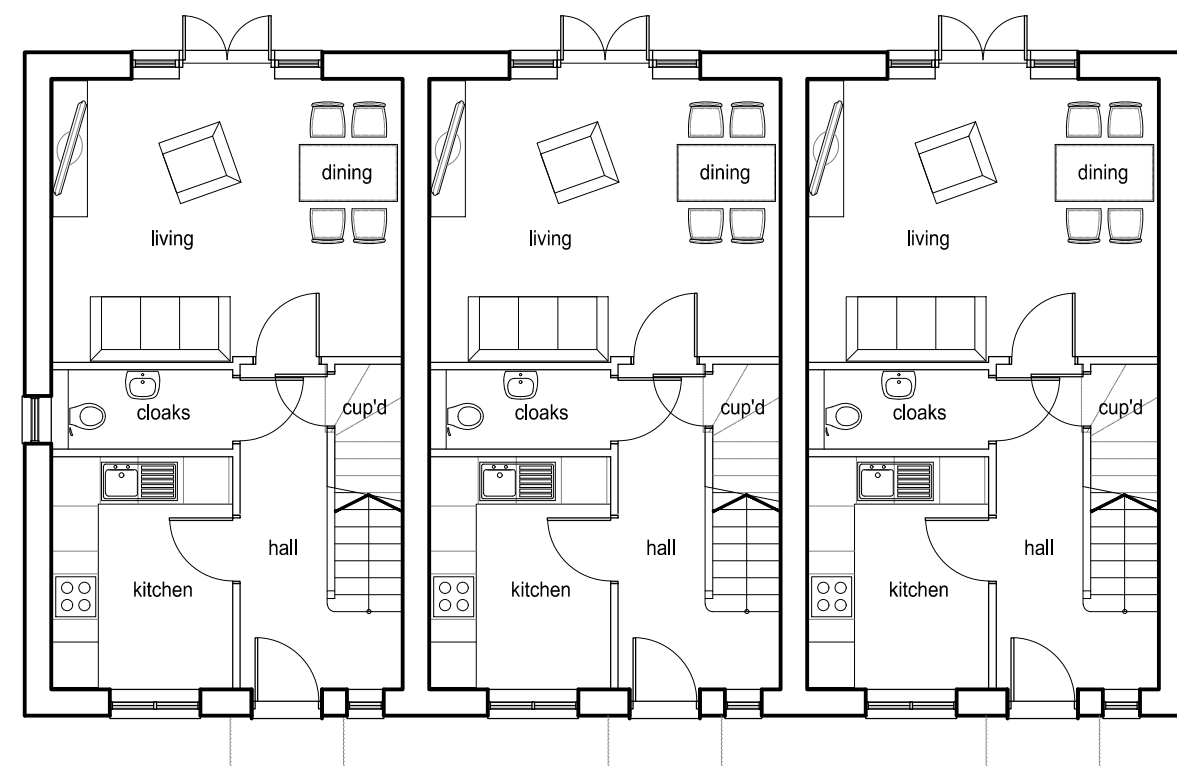
Side Elevation



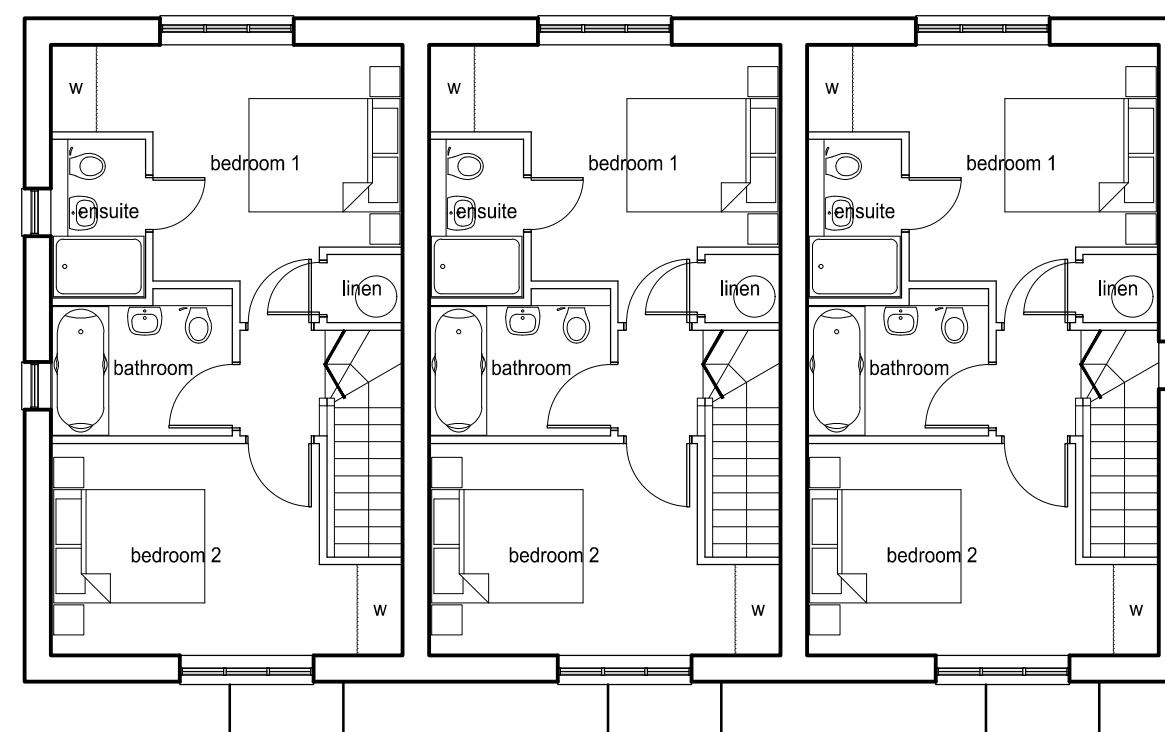
Rear Elevation



Side Elevation



Ground Floor Plan



First Floor Plan



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Notes

Rev.	Description	Date

Project

Proposed Redevelopment
of
Halliford Studio Site
Manygate Lane
Shepperton

Drawing Title

PROPOSED BLOCK PLAN

1 / 2 bed flats and
2, 3 and 4 bed houses



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Drawn By: jd Date: 05.12.2016

Scale: 1/500 A3

Drawing No. 1323_PLN_101 Revision

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Notes

Rev.	Description	Date

Project

Proposed Redevelopment
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Halliford Studio Site
Manygate Lane
Shepperton

Drawing Title

Indicative Street Scenes

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Drawn By: jd	Date: 02.12.2016
Scale: 1/200	A2
Drawing No. 1323_PLN_110	Revision



Plots 9 - 11

Plots 12 - 15

Plots 19 - 21



Plots 1 - 8

Plots 26 - 28

Plots 22 - 25



2A School Road Ashford – 07/00075/ENF.

Scale 1:1,250

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Planning Committee

18 October 2017



Enforcement Ref:	07/00075/ENF
Site Address	2a School Road, Ashford, TW15 2BW
Breach	Failing to comply with County Court Injunction to demolish an unlawful outbuilding.
Ward	Ashford Common.
Recommended Decision	That direct action be taken by Spelthorne Borough Council to achieve compliance with the County Court Injunction.

Purpose of Report

At the Planning Committee meeting on 19 October 2016 it was agreed that the Council should take direct action to secure the removal of the unlawful outbuilding at 2A School Road, Ashford. The purpose of this report is to update the Committee of the events since this time and to reconfirm that direct action should now be pursued.

1. Background

- 1.1 In early 2007 Mr Van de Beeck unlawfully constructed an outbuilding for residential purposes on land adjacent to his property at 2a School Road, Ashford.
- 1.2 On 31 August 2007 Mr Van Der Beeck made a retrospective planning application to retain the building, this was refused planning permission on 9 October 2007.
- 1.3 On 6 November 2007 an Enforcement Notice, reference 07/00075/ENF, was issued by the Council in respect of the outbuilding at 2a School Road. This notice required the cessation of the use of the outbuilding as a separate residential accommodation by the total demolition of the outbuilding, such steps to be completed within 6 months of the Notice taking effect.
- 1.4 Mr Van der Beeck appealed against this notice. On 24 September 2008 a Planning Inspector dismissed the appeal and upheld the Enforcement Notice.

- 1.5 Mr Van der Beeck subsequently made further appeals through the Civil Courts including the High Court. All of his appeals were refused.
- 1.6 Mr Van Der Beeck confirmed on 14 December 2010 that the building was still occupied by himself and his wife.
- 1.7 There was a further application for planning permission on 3 December 2011, and yet a further planning application on 21 December 2011. Both of these applications were refused. Both refusals were appealed against and both appeals were dismissed on 25 March 2013.
- 1.8 Further civil action continued and concluded with an Injunction made by the circuit judge in the County Court at Guildford on 21 October 2015. This gave the defendant until 4pm on the 30 March 2016 to comply with the Injunctive Order, which reinforced the requirements of the original enforcement notice.
- 1.9 This Injunctive Order has not been complied with to date and Mr Van Der Beeck is in Contempt Of Court.
- 1.10 On 6 September 2016 Spelthorne Council's Legal Department wrote to Mr Van Der Beeck, via his solicitor, informing him that as he had failed to comply with the Court Order and failed to comply with the Enforcement Notice. The Council was giving him formal notice that it now intended to demolish the unauthorised outbuilding. Such demolition works would not commence before 1 October 2016.
- 1.11 On Friday 14 October 2016 at Guildford Crown Court, Mr Van Der Beeck informed Spelthorne Council, via his Counsel, that he was not willing to comply and demolish the outbuilding.
- 1.12 At the Planning Committee meeting on 19 October 2016 it was agreed that the Council should take direct action to secure the removal of the unlawful outbuilding at 2A School Road, Ashford.
- 1.13 Mr Van Der Beeck made an application to the Court to vary the injunction order and Spelthorne Council applied to have Mr Van Der Beeck committed for failing to comply with the order. This was heard on 26 April 2017. Mr Van Der Beeck's application was dismissed and Spelthorne Council's application was granted as the breach of the injunction had been proved. Mr Van Der Beeck was given four months to demolish the building (until the end of August 2017). This has not been complied with.
- 1.14 The provisions of the European Convention on Human Rights such as Article 1 of the First Protocol, Article 8 and Article 14 are relevant when considering enforcement action. There is a clear public interest in enforcing planning law and planning regulation in a proportionate way. In deciding whether enforcement action is taken, local planning authorities should, where relevant, have regard to the potential impact on the health, housing needs and welfare of those affected by the proposed action, and

those who are affected by a breach of planning control. In view of the need to enforce planning law for the public good it is not considered that this would contravene the Human Rights Act. Given the harm caused to the amenity it is considered to be expedient to take enforcement action against this unlawful building.

2. Recommendation

- 2.1 It is now considered that the Council should take direct action to secure the removal of the outbuilding which is the subject of the 2007 Enforcement Notice. In light of recent court hearings with the landowner, legal advice has been provided on the ability to use direct action as a way of resolving this long standing enforcement matter.



49 Heathcroft Avenue - 17/00136/UNDEV.

Scale 1:1,250

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Planning Committee

18 October 2017



Application No:	17/00136/UNDEV
Site Address:	49 Heathcroft Avenue, Sunbury On Thames, TW16 7SR
Breach	Unauthorised single storey detached dwelling
Ward:	Sunbury Common
Call in details:	That an Enforcement Notice be issued to secure the removal of the unauthorised dwelling. Such notice to be complied with within 6 months of it taking effect.

MAIN REPORT

1. Background

- 1.1 The application site contains a two storey semi-detached dwelling, which is situated on the southern side of Heathcroft Avenue, Sunbury On Thames. A single storey detached building has been constructed within the rear garden of the property, which is in use as a separate residential unit, and does not benefit from planning permission. The street scene surrounding the property is predominantly characterised by two storey semi-detached and terraced dwellings, which are generally situated within rectangular plots. There are further outbuildings and garages within the rear gardens of neighbouring dwellings, although there are no examples of residential units. A pedestrian alleyway runs alongside the eastern boundary of the site, and an access road and private car park is located to the rear of the property.
- 1.2 The breach of planning control relates to the unauthorised use and construction of the building within the rear garden, as a separate residential dwelling.
- 1.3 Permission was granted at the site in December 2015, for a Certificate of Lawfulness for the proposed development of a single storey detached garage (which contained a flat roof). This was granted under the reference 15/01365/CPD, and was found to have met the requirements of permitted development legislation. However, the approved double garage was not constructed on site, and instead, a single storey detached building has been erected, which contains a hipped roof form, and is presently in use as a residential dwelling.

- 1.4 A planning enforcement enquiry was opened at the site in May 2017, under the reference 17/00136/UNDEV, and a planning application was submitted at the site on 20 July 2017, which sought to retain and extend the existing detached dwelling (17/0117/FUL). Planning permission was subsequently refused on 14 September 2017, for the following reasons:

“The dwelling and proposed extension by virtue of layout and plot size, has an unacceptable impact upon the character of the area, and detracts from the surrounding building pattern. The scheme introduces an incongruous feature within the surrounding landscape, and represents an over development of the site contrary to Policy EN1 of the Spelthorne Development Plan Core Strategy and Policies Development Plan Document (February 2009), the Design of Residential Extensions and New Residential Development Supplementary Planning Document (April 2011).”

The proposed one bed unit is considered to provide insufficient habitable accommodation leading to a harmful impact upon the occupiers of the unit, contrary to Policy EN1 of the Spelthorne Development Plan Core Strategy and Policies Development Plan Document (February 2009), the Design of Residential Extensions and New Residential Development Supplementary Planning Document (April 2011) and the Department of Communities and Local Government Technical Housing Standard - nationally described space standard (March 2015).

- 1.5 Enforcement Notices requiring the removal of the unauthorised residential units are required to be agreed by the Planning Committee because of the potential consequences of making someone homeless.

2. Relevant Planning History

PLAN C/FUL/79/998	Erection of a single-storey rear extension measuring 11 ft (3.35 m) by 16 ft 9 ins (5.11 m) providing a dining room.	Grant Unconditional 05.12.1979
15/01365/CPD	Certificate of lawfulness for the proposed erection of a single storey detached garage.	Grant Cert Lawful Prop Use/Dev 14.12.2015
17/01175/FUL	Retention of single storey 1 no. 1 bedroom detached dwelling, including the erection of single storey rear extension, and associated parking and amenity space.	Application Refused 14.09.2017

3. Details of complain and unauthorised development:

- 3.1 The building in question is currently in use as an unauthorised residential unit and contains one bedroom. The building has an existing internal floor area measuring approximately 31 m². The building also contains an entrance in the southern elevation, and the application site can be accessed from the access road, which is situated to the east/rear of the site. The recent planning application sought to retain and extend the building, and would have created a resultant internal floor space measuring some 38 m², following the construction of a single storey rear extension. The recent planning application also proposed one car parking space at the front of the building and amenity (garden) space of 36 m², at the rear.

4. Planning Considerations

- 4.1 The main planning considerations relate to the impact of the building upon the character of the area, and the level of amenity provided to future occupiers.
- 4.2 In terms of the character of the area, the building introduces a 'backland' style development, and frontage activity to the rear of the site, and whilst the building is not visible from Heathcroft Avenue, it is visible from neighbouring and adjoining properties.
- 4.3 The area surrounding the application site, is predominantly characterised by two storey semi-detached and terraced dwellings, which are generally situated within relatively long, rectangular plots. There are a number of detached outbuildings and garages, located within the rear gardens of properties on the southern side of Heathcroft Avenue, which are accessed via an service road running alongside the southern boundary of such properties. However, whilst single storey outbuildings are present, there are no examples of residential dwellings fronting this access road.
- 4.4 The residential unit results in the sub-division of the plot, and the building is not considered to pay due regard to the scale, layout and building pattern (relatively long rectangular plots) of adjoining buildings and land. The scheme also introduces an incongruous and contrived form of development, which detracts from the character of the area.
- 4.5 Whilst single storey outbuildings and garages are contained at the rear of neighbouring dwellings, these are ancillary uses and there are no examples of residential dwellings within this location. The scheme therefore introduces a development, which is not 'in-keeping' with the surrounding character. The development also appears cramped compared to the underlying relatively long, relatively narrow pattern of neighbouring developments.
- 4.6 Whilst the residential unit would provide sufficient amenity (garden) space, the scheme is not in adherence to the Council's 21 metre 'back to back' guide, in relation to the existing house, which is viewed to be an indicator of over-development of the site.

- 4.7 In terms of the impact upon future occupiers, the plans indicate that the property is a 1 bedroom, 1 person unit. The Council's SPD on design does not give a minimum guideline internal floor area for a 1 bedroom unit occupied by 1 person. However, the Council's guidance does indicate that a 1 bedroom, 2 person dwelling, should contain a minimum floor area measuring 50 m². The *Technical Housing Standards* (THS), which was published in March 2015, indicates that a 1 bedroom 1 person unit, should contain a minimum internal floor area of 39 m². As the property incorporates a shower room rather than a bathroom, this requirement is reduced to 37 m².
- 4.8 The building as proposed to be extended, would have contained a floor area of some 38 m², and should this have been granted planning consent, the scheme would have been in adherence to the *THS* floor space guidance, should the unit have been occupied by 1 person. The existing building falls short of this requirement with an internal floor space measuring 31 m². However, the Council is of the view that the dwelling is capable of being used as a 1 bedroom 2 person unit, and should be assessed on this basis. Indeed the dwelling (not yet extended) appeared to be in use as a 2 person unit at the time of the Officer site visit. In any event, the bedroom contains an internal floor area measuring approximately 11.64 m², which exceeds the 11.5 m² minimum requirement for a double/twin bedroom as stated within the *THS*. The bedroom also exceeds the minimum 2.75 metre width requirement for a double/twin bedroom, and any condition requiring the dwelling to be occupied by only a single occupier is considered to be unenforceable.
- 4.9 Given that the dwelling appeared to be in use as a two person unit at the time of the site visit, and given the dimensions and internal floor space within the bedroom, resulting in capability for use as a twin/double room, the Council considers that the 50 m² minimum requirement stated within both the SPD on design and the *THS*, is applicable in this instance. The dwelling (existing and extended) would fall significantly short of this floor space requirement and as such is considered to provide a poor level of amenity for future occupiers. The scheme is therefore considered contrary to policy EN1 and unacceptable in this regard.
- 4.10 The building is already in use as an unauthorised residential dwelling and provisions of the European Convention on Human Rights such as Article 1 of the First Protocol, Article 8 and Article 14, are relevant when considering enforcement action. There is a clear public interest in enforcing planning law and planning regulation in a proportionate way. In deciding whether enforcement action is taken, local planning authorities should, where relevant, have regard to the potential impact on the health, housing needs and welfare of those affected by the proposed action, and those who are affected by a breach of planning control. In view of the need to enforce planning law for the public good, it is not considered that this would contravene the Human Rights Act. Given the harm caused to the amenity of surrounding neighbours due to the unacceptable noise and disturbance, it is considered to be expedient to take enforcement action against this use.
- 4.11 It is therefore recommended that enforcement action be taken to :-

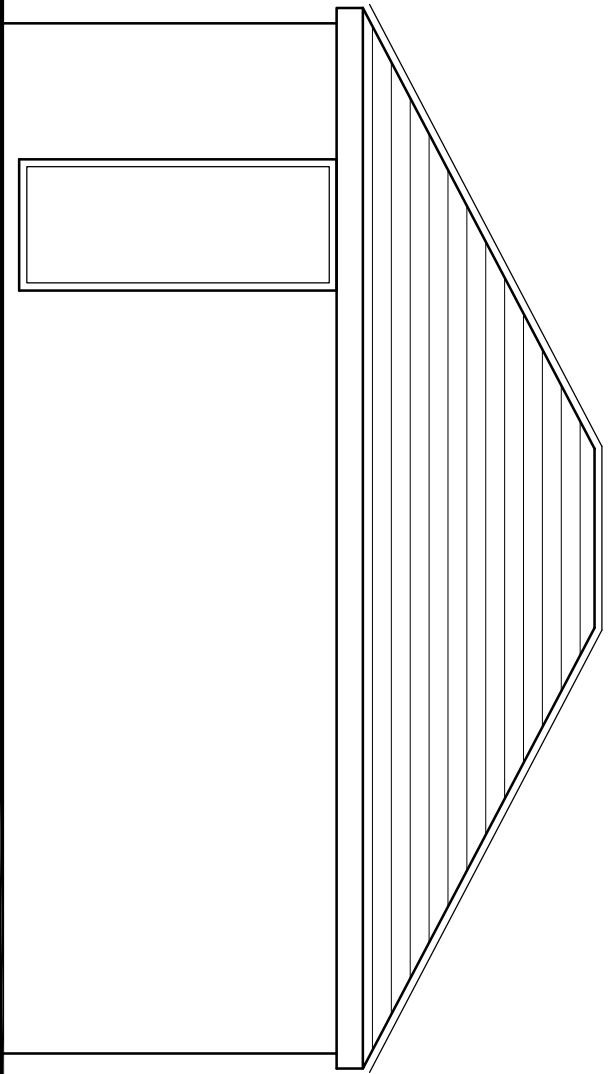
Secure the removal of this unauthorized residential unit. However, regard must also be had to the need to give sufficient time for compliance and for the existing occupants to find alternative accommodation. A six month period is considered to be reasonable.

5.0 Recommendation

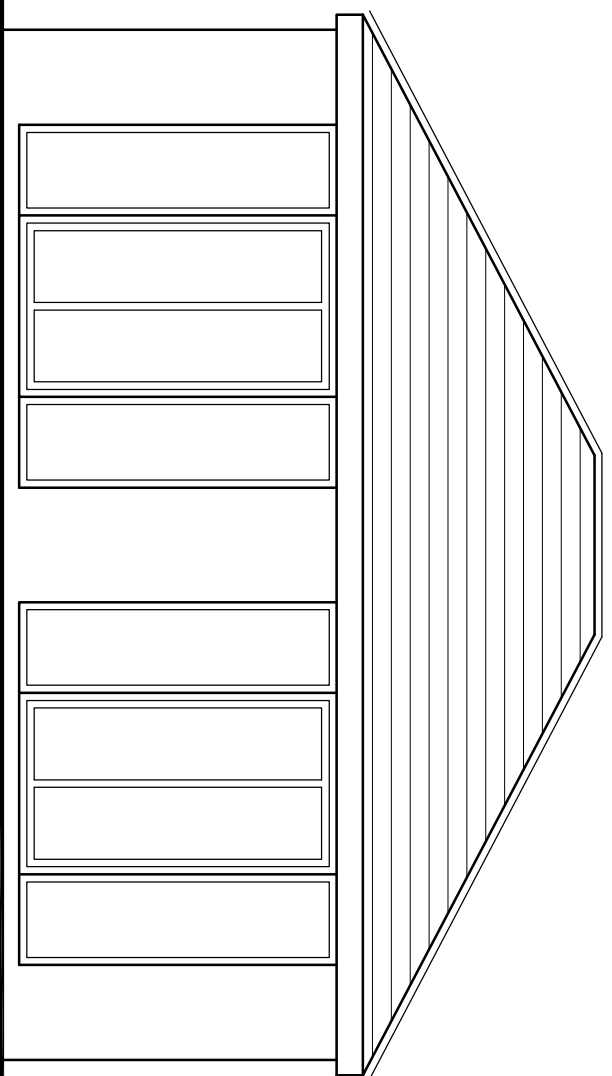
- 5.1 That an Enforcement Notice be issued requiring the following steps: -
Remove and demolish the unauthorised residential unit.
Such Notice to be complied with within 6 months of it taking effect.

Reasons for Serving of Notice

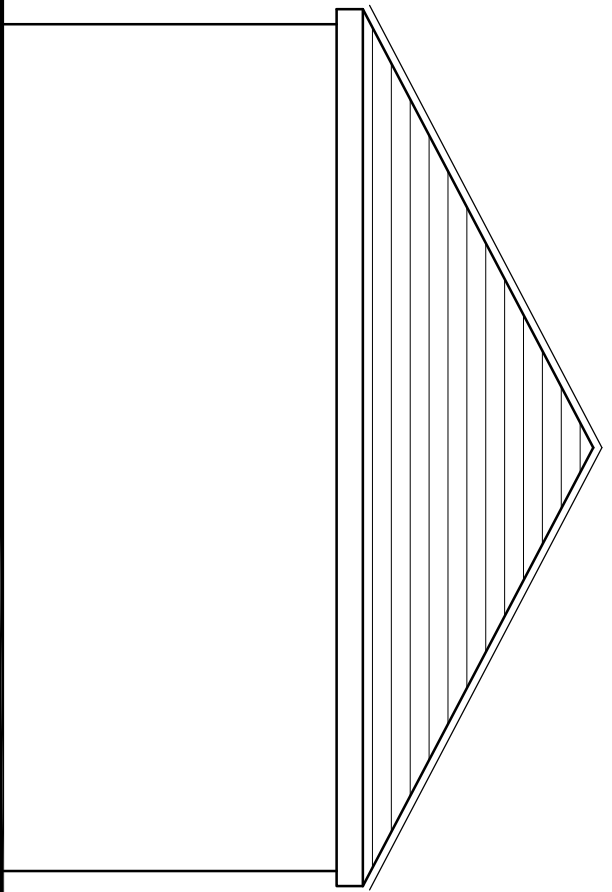
- 5.2 The current development consisting of a single storey residential dwelling has an unacceptable impact upon the character of the area, and detracts from the surrounding building pattern. The scheme introduces an incongruous feature within the surrounding landscape and represents an over development of the site. The one bedroom unit is considered to provide insufficient habitable accommodation leading to a harmful impact upon the occupiers of the unit. The scheme is therefore contrary to policy EN1 of the Core Strategy and Policies DPD 2009, and the Supplementary Planning Document on the Design of Residential Extensions and New Residential Development 2011.



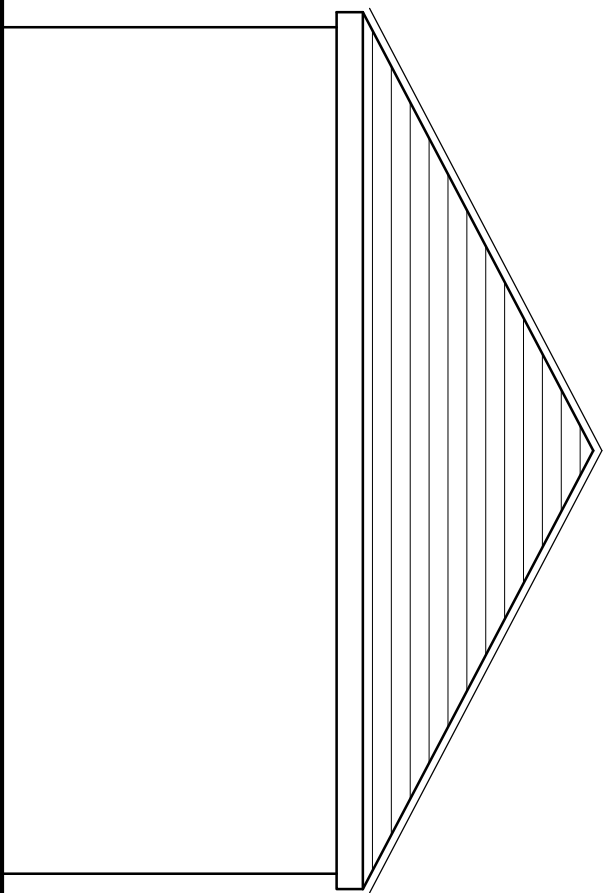
EXISTING REAR ELEVATION



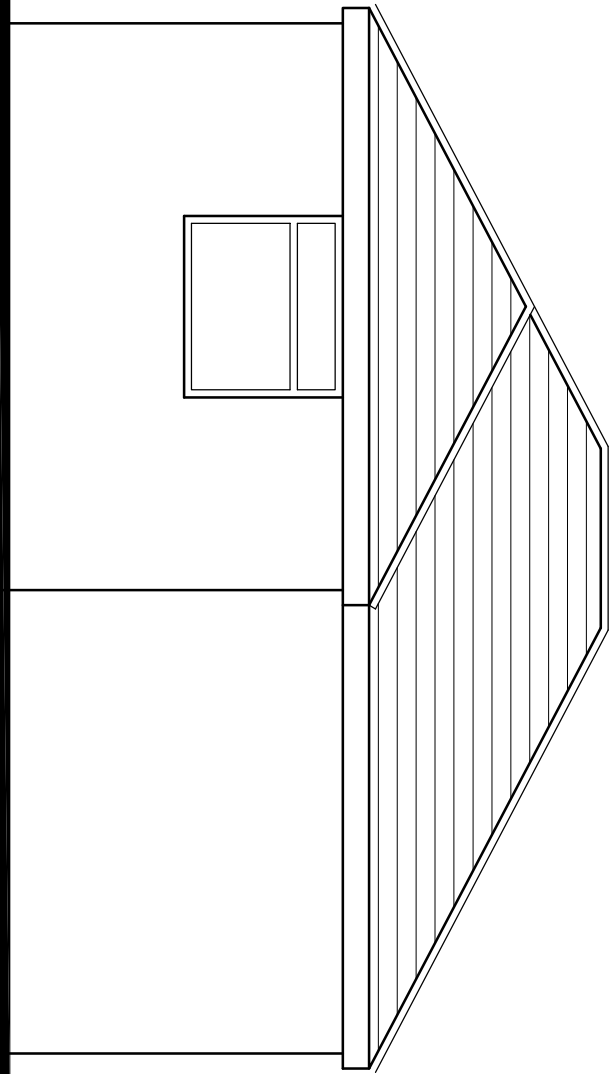
EXISTING FRONT ELEVATION



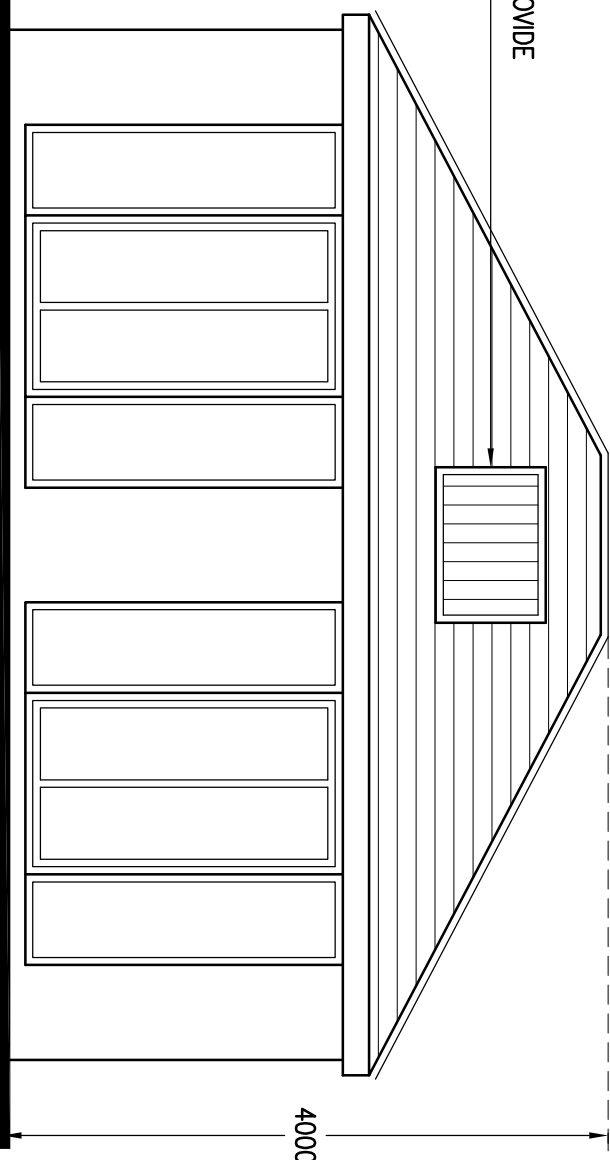
EXISTING SIDE ELEVATION



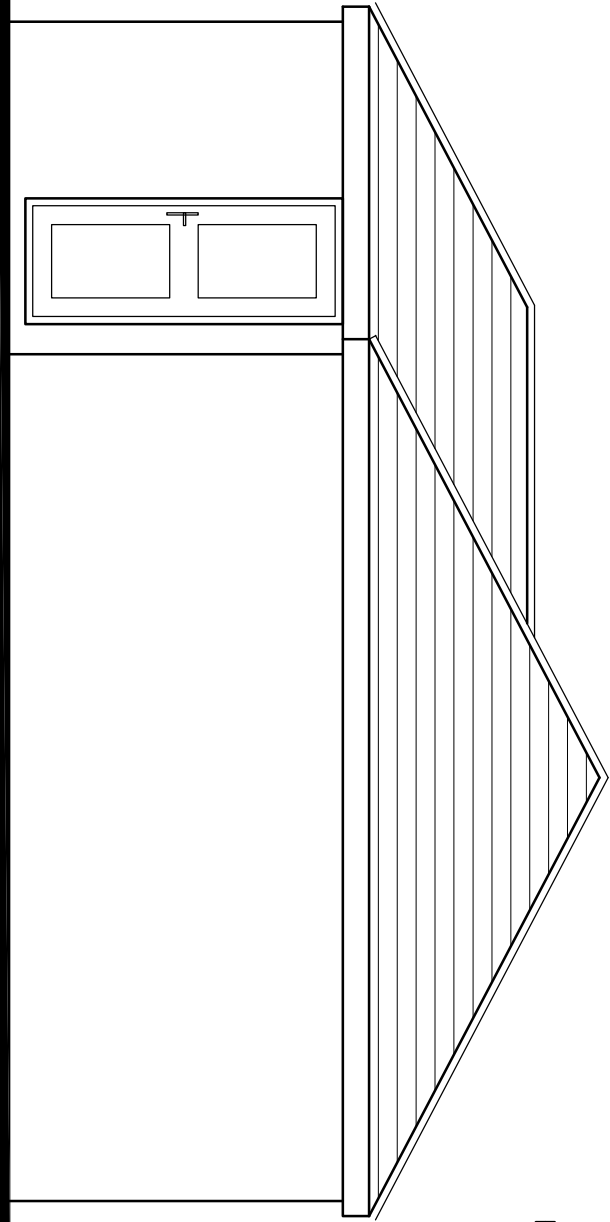
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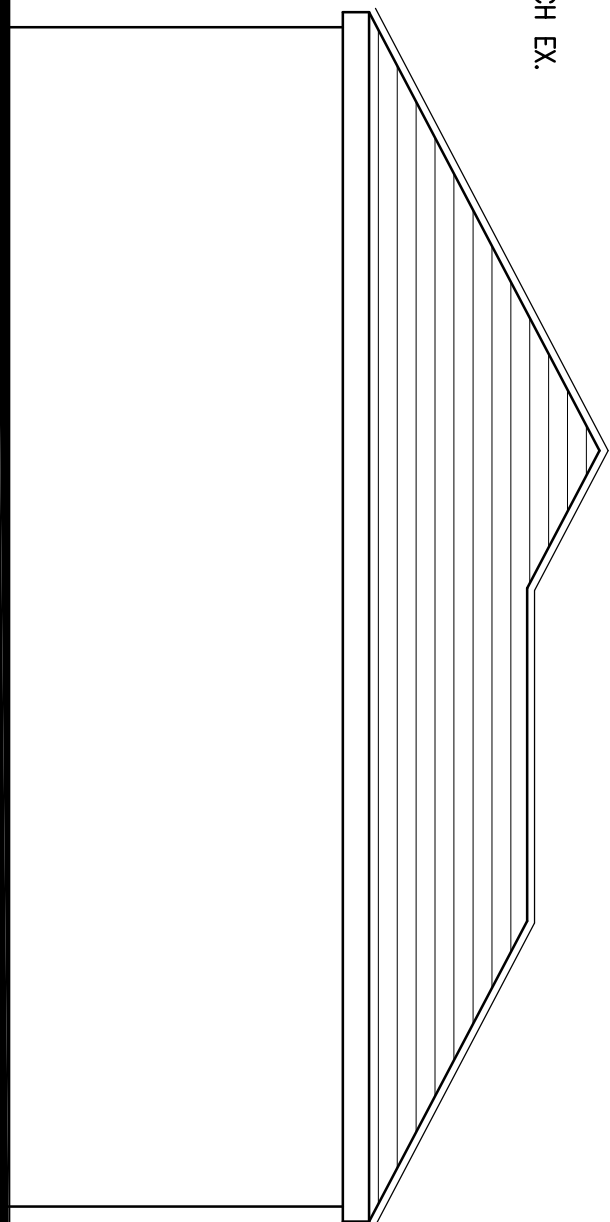
PROPOSED REAR ELEVATION



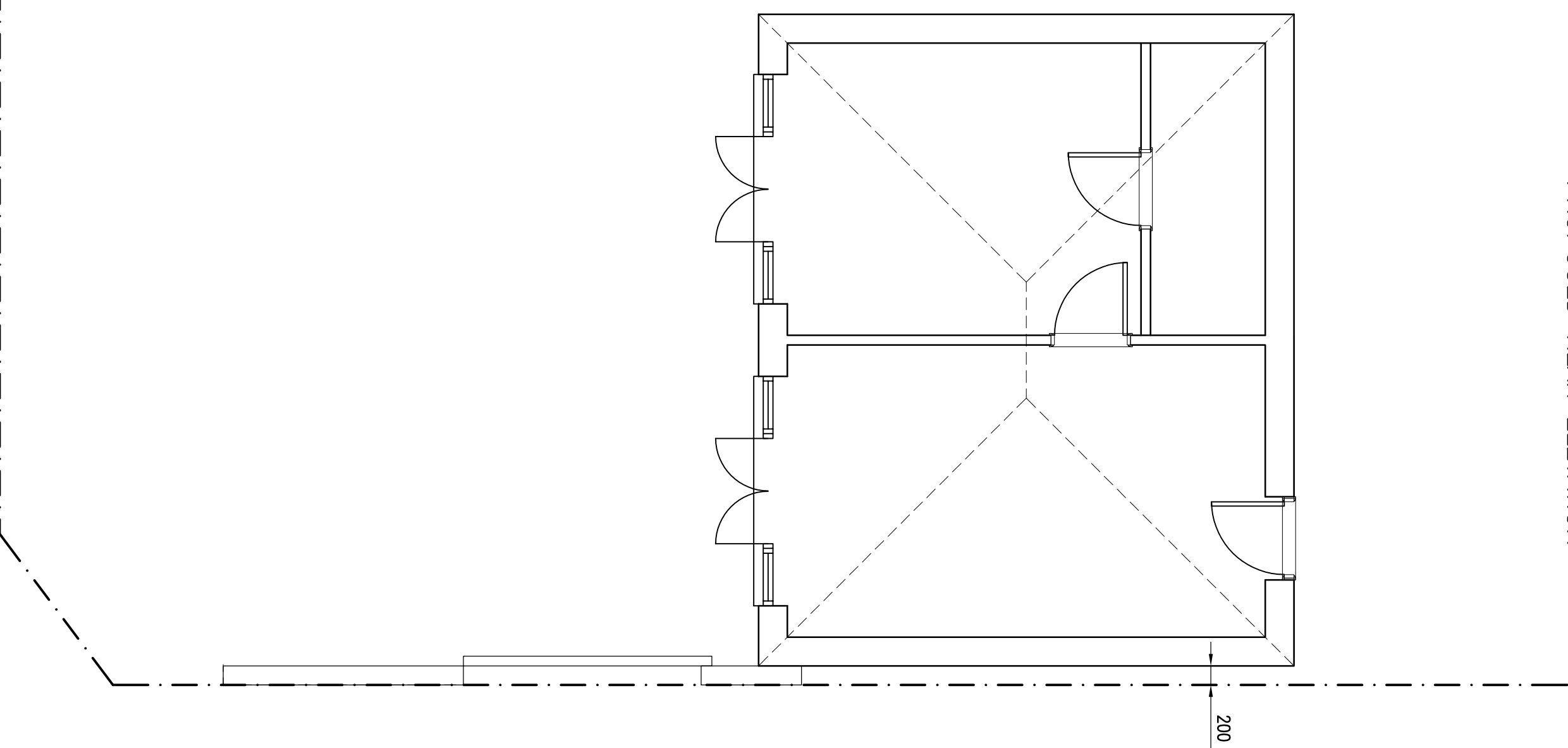
PROPOSED FRONT ELEVATION



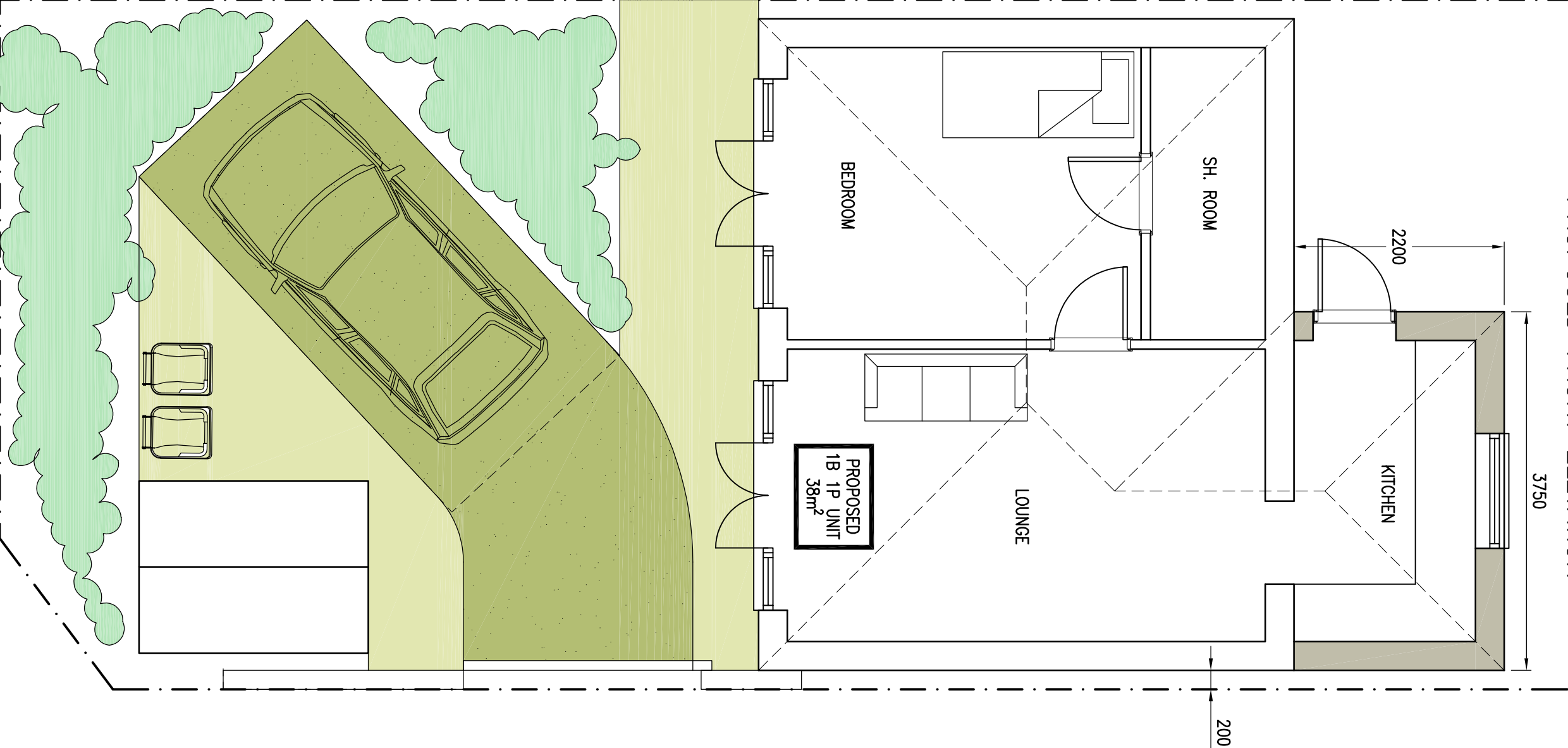
PROPOSED SIDE ELEVATION



PROPOSED SIDE ELEVATION



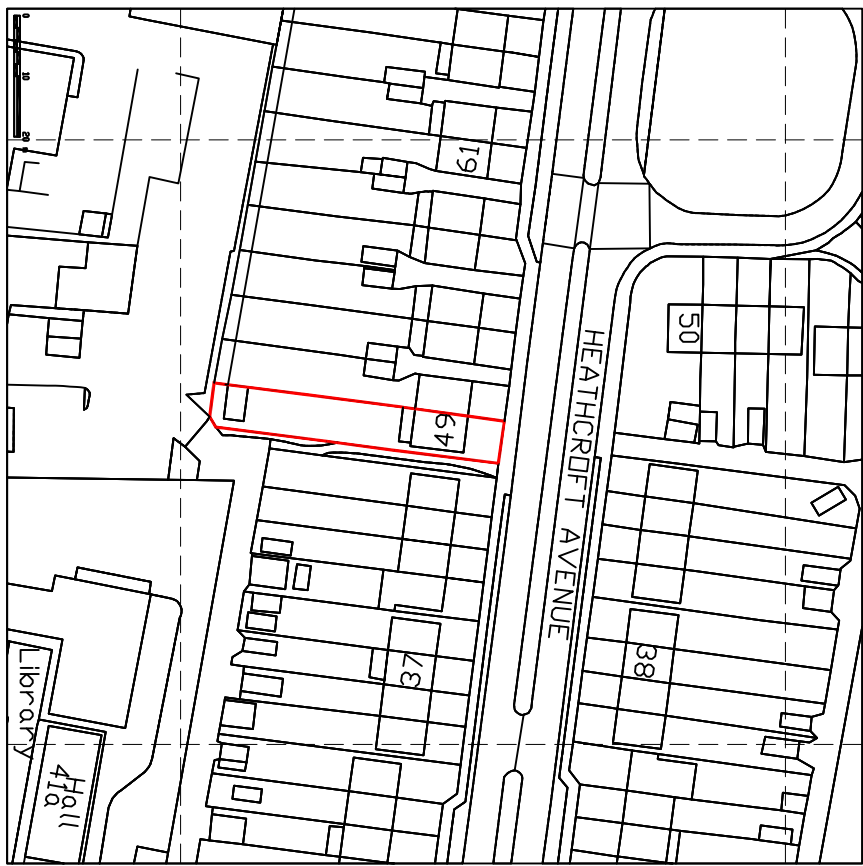
EXISTING GROUND FLOOR



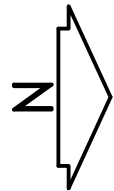
PROPOSED GROUND FLOOR



PROPOSED SITE PLAN 1:200



LOCATION PLAN 1:1250
(Streetwise licence No. 100047474)



AJT
DESIGN

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PLANNING ISSUE

Address
**49 HEATHCROFT AV.,
SUNBURY ON THAMES
TW16 7SR**

Title
PROPOSED DWELLING

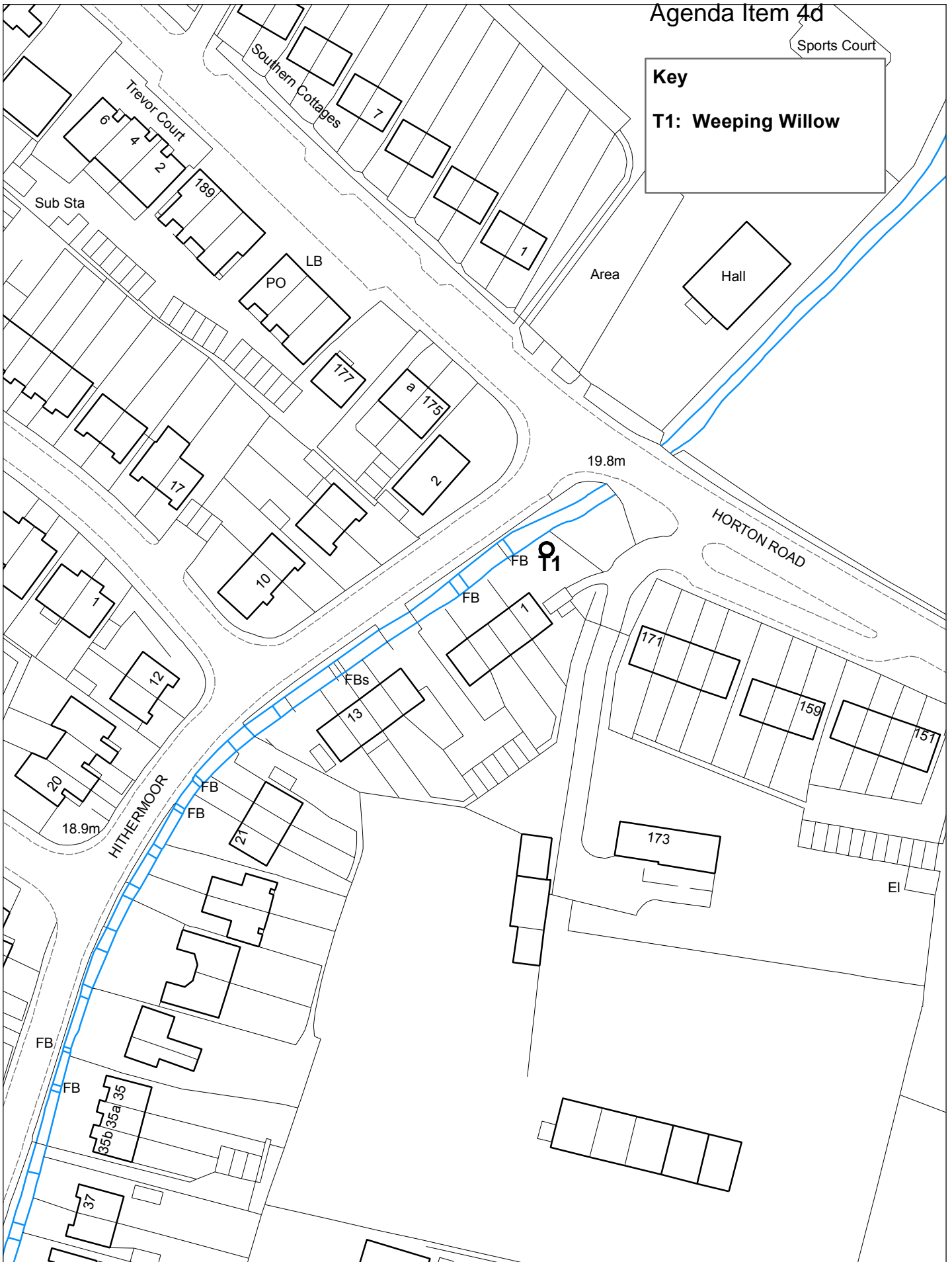
Dwg. No. **HA/49/10**

Scale : 1:50, 1:100 & 1:1250 @ A1

Revision:
Date: JUNE 17

0m 1m 2m 4m 1:100 6m 8m 10m
0m 1m 1m 2m 1:50 3m 4m 5m

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TPO 256/2017
1 Hithermoor Road, Stanwell Moor, TW19 6AH



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Scale: 1:1,000

Date: 25 May 2017

	Tree Preservation Order
TPO No.	TPO 256/2017
Site Address	1 Hithermoor Road, Stanwell Moor, TW19 6AH
Date Served	25 May 2017
Expiry Date	22 November 2017
Ward	Stanwell North
Executive Summary	Confirmation of TPO 256/2017
Recommended Decision	Confirm without modification

MAIN REPORT

1. Details of Order

- 1.1 On 25 May 2017 Tree Preservation Order 256/2017 was served with immediate effect to protect one Weeping Willow on this site.

2. Background

- 2.1 The Weeping Willow is located in the front garden of 1 Hithermoor Road Stanwell Moor. Following receipt of planning application (17/00591/FUL) for erection of a 2 storey end of terrace dwelling and front extension to existing property, the Council's Tree Officer assessed the tree. He found the tree to be mature, in good condition and highly visible in the street scene. He recommended a TPO as he felt the development would pose a threat to it.
- 2.2 A TPO was therefore served to protect the Weeping Willow because of its 'significant contribution to the visual amenities of the locality'.
- 2.3 The planning application was subsequently refused on 31 May 2017.

3. Third Party Representations

- 3.1 As required under the legislation all affected parties were served with copies of the Tree Preservation Order. No representations have been received.

4. Recommendation

- 4.1 Tree Preservation Order 256/2017 relating to 1 Hithermoor Road, Stanwell Moor be confirmed without modification.

PLANNING APPEALS**LIST OF APPEALS SUBMITTED BETWEEN 4 SEPTEMBER AND 5 OCTOBER 2017**

<u>Planning Application Number</u>	<u>Inspectorate Ref.</u>	<u>Address</u>	<u>Description</u>	<u>Appeal Start Date</u>
17/00020/H OU	APP/Z3635/D/ 17/3178783	14 Birch Grove Shepperton	Erection of a pitched roof over the existing single storey side extension to create additional habitable accommodation with in the roof.	04/09/2017
17/00546/F UL	APP/Z3635/W /17/3182309	217 Staines Road West, Sunbury On Thames	Erection of 1 bed detached bungalow, with associated parking and amenity space.	25/09/2017

APPEAL DECISIONS RECEIVED BETWEEN 4 SEPTEMBER AND 5 OCTOBER 2017

Site	Willowmead, Dunally Park, Shepperton
Planning Application No.:	17/00412/HOU
Proposed Development:	Erection of a part two storey part single storey front extension.
Appeal Reference:	APP/Z3635/D/17/3176995
Appeal Decision Date:	19/09/2017
Inspector's Decision	Allowed
Reason for Refusal	It is considered that the proposal by reason of its scale, height and design would have an unacceptable impact on the character of the area, appearing obtrusive in the street scene, contrary to Policy EN1 of the Core Strategy and Policies DPD 2009 and the Supplementary Planning

	Document on the Design of Residential Extensions and New Residential Development April 2011.
Inspector's Comments:	The Inspector allowed the appeal. He considered that the angles to the pitched roofs over the extension would match that of the original property and the use of matching materials would also help to integrate the extension to the original building. Furthermore, although the proposal would greatly change the appearance of the dwelling, he considered the scale and height of the extension would not be disproportionate to that of the original dwelling and would accord with that of the additions of neighboring dwellings. He also did not consider that a common property design or architectural style existed in the road. As a result he considered the proposed extension would not appear unduly large in relation to either the host property or in the street scene and that the development would have an attractive appearance that would readily assimilate into the varied design approaches in the road.

Site	The Paddocks, Rear of 237-245 Hithermoor Road, Stanwell Moor,
Enforcement Ref.:	16/00025/ENF
Breach:	Material change of use of the land to a mixed use comprising the stationing of a caravan for residential purposes and the keeping of horses.
Appeal Reference:	APP/Z3635/C/16/3151477
Appeal Decision Date:	27/09/2017
Inspector's Decision	<p>Allowed and enforcement notice quashed subject to conditions including:-</p> <ul style="list-style-type: none"> • When premises cease to be occupied by Mr. Gavin Gates and family, or at the end of 5 years, whichever shall first occurs, the residential use shall cease. • No more than one caravan shall be stationed at one time. <p>Caravan sited must comply with British standard relating to acoustic properties of walls, ceilings and ventilation of caravans.</p> <ul style="list-style-type: none"> • Stables shall be used only for the stabling of horses kept solely for the enjoyment of and incidental to the residential occupation of the

	<p>site occupiers for the duration of the permission or crease of the residential use.</p>
Reason for serving the notice	<p>Planning permission was refused for the retrospective siting of the caravan and its use for residential purposes (changing the use of the land), in particular because the site is located within the high noise contour area, given its close proximity to Heathrow airport.</p>
Inspector's Comments:	<p>It was agreed that the Council could not demonstrate a five year housing land supply when assessed against the latest Strategic Housing Market Assessment. Para 49 of NPPF explains that relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites. Para 14 is therefore engaged which requires that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the framework taken as a whole, or specific policies in the framework indicate development should be restricted.</p> <p>The Inspector considered the main issues were the effect of development on living conditions of occupants given the noise implications due to the proximity of Heathrow airport and whether any other material considerations exist in favour of the development.</p> <p>With regards to noise, the Inspector had no dispute that external noise levels from aircraft on certain runways patterns exceed those considered to be reasonable. She noted there would be a conflict with policy EN11, as harm would arise from the outdoor living environment of users of the site, which is no different to those experienced by existing properties nearby. She acknowledged that the purpose of the policy is to restrict additional units which would in turn increase the number of residents living within the high noise contours area. Therefore the Inspector agreed that the development was contrary to Policy EN11.</p> <p>She then looked at other considerations which included the applicant and his young family residing on site. The applicant's partner has lived in caravans all her life, with a cultural aversion to bricks and mortar therefore suitable alternative accommodation for the family would be within a mobile home. There was no evidence of suitable alternative park accommodation offered by the Council. The Inspector noted that if they were forced to leave, they would have to unlawfully station the caravan in the mother-in-law's garden which would still be within the high noise contour zone. In addition the best interest of the children to ensure a stable permanent and suitable home along with the failure of policy to deliver sufficient housing needed to be taken into consideration.</p>

The Inspector noted that ‘...given the conflict with the development plan and the nature of the harm, I find the adverse impacts would significantly and demonstrably outweigh the benefits of granting a permanent permission, when assessed against the policies in the Framework taken as a whole. Nevertheless given the lack of a five year housing land supply, the absence of alternative accommodation and the best interests of the children, it is considered that a temporary planning permission would be a proportionate response, until such time as the housing land supply position has been addressed.’

Because the Council’s emerging plan is likely to be adopted in 2021, a 5 year condition was considered to be most appropriate.

For these reasons the Inspector concluded that the appeal should succeed and temporary planning permission will be granted.

FUTURE HEARING / INQUIRY DATES

Council Ref.	Type of Appeal	Site	Proposal	Case Officers	Date
16/00972 /FUL	Public Inquiry	Former Brooklands College, Church Road, Ashford	Planning application for the redevelopment of the site comprising the demolition of the existing buildings and the construction of new buildings between one and six storeys to accommodate 366 dwellings (use class C3), 619 sq. m (GIA) of flexible commercial floorspace (use classes A1, A2, A3, A4, A5, B1(a)) and 442 sq. m (GIA) of education floorspace (use class D1), provision of public open space and associated car parking, cycle parking, access and related infrastructure and associated works.	PT/KW	20-23 February 2018