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Date: 5 December 2017

## Notice of meeting

### Planning Committee

**Date:** Wednesday, 13 December 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-Chair, in the Chair)	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. Edgington	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 - 12**  
To confirm the minutes of the meeting held on 15 November 2017 (copy attached).
- 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) 17/00640/FUL - 524-538 London Road, Ashford, TW15 3AE **13 - 42**
  - b) 17/00365/FUL - Hamiltons Pitch, Sheep Walk, Shepperton **43 - 56**
- 5. Planning Development Manager Performance Report** **57 - 84**  
To note the report of the Planning Development Manager.
- 6. Planning Appeals Report** **85 - 88**  
To note details of the Planning appeals submitted and decisions received between 3 November and 30 November 2017.
- 7. Urgent Items**  
To consider any items which the Chairman considers as urgent.

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**Minutes of the Planning Committee  
15 November 2017**

**Present:**

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

**Councillors:**

C.B. Barnard	S.J. Burkmar	N. Islam
R.O. Barratt	R. Chandler	A.T. Jones
I.J. Beardsmore	S.M. Doran	R.W. Sider BEM
J.R. Boughtflower	M.P.C. Francis	

**Apologies:** Apologies were received from Councillor P.C. Edgington

**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 17/01274/FUL - Former Brooklands College,  
Church Road, Ashford

Councillor S.C. Mooney 17/01320/FUL - Sankby, Leacroft, Staines-  
upon-Thames

**579/17 Minutes**

The minutes of the meeting held on 18 October 2017 were approved as a correct record.

**580/17 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**

On behalf of all the Committee, the Chairman reported that members had received a presentation in relation to application 17/01274/FUL - Former

Brooklands College, Church Road, Ashford by Inland Homes in accordance with the Council's Planning Code for large complex schemes.

Councillors R.A. Smith Ainsley, J, Boughtflower, M. Francis and N. Islam, reported that they had received correspondence, and Cllr Islam had had a meeting with the developer, in relation to application 17/01274/FUL - Former Brooklands College, Church Road, Ashford, but had maintained an impartial role, had not expressed any views and had kept an open mind.

Councillor M. Francis reported that he had received correspondence in relation to application 17/01320/FUL – Sankby, Leacroft, Staines-upon-Thames, but had maintained an impartial role, had not expressed any views and had kept an open mind.

**581/17 17/01274/FUL - Former Brooklands College, Church Road, Ashford**

**Description:**

This item was a planning application for the redevelopment of the site comprising the demolition of the existing buildings and the construction of new buildings between one and five storeys to accommodate 357 dwellings, 619 sq.m (GIA) of flexible commercial floorspace, 442 sq.m (GIA) of education floorspace, the provision of public open space and associated car parking, cycle parking, access and related infrastructure and associated works.

**Additional Information:**

The Planning Development Manager reported the following:

1. 10 no. late letters of letters of representation were received (2 separate sets of 3 letters from 2 households). Most of the issues raised were already covered in the report. One of the letters raised an issue relating to the neighbourhood consultation process. A petition from 28 people in support of the proposal had been received.
2. An additional plan was submitted showing the installation of privacy screens around the roof terraces of the 3<sup>rd</sup> and 4<sup>th</sup> floor flats to the west of 49 Meadway. Consequently, Condition 2 is to be amended:

Condition 2

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

2055-01-DR-0001 Rev. P01; /0100 Rev. P01; /0101 Rev. P01; /0102 Rev. P01; /0103 Rev. P01; /0104 Rev. P01; /0110 Rev. P01; /0400 Rev. P01; /0401 Rev. P01; /0402 Rev. P01; /0403 Rev. P01; /0404 Rev. P01; /0600 Rev. P01; /601 Rev. P01; /0602 Rev. P01; /0603 Rev. P01; /0604 Rev. P01; /0605 Rev. P01; /0606 Rev. P01; /0650 Rev. P01; /0651 Rev. P01 received 21 August 2017.

2055-11-DR-0099 Rev. P01; /0101 Rev. P01; /0102 Rev. P01; /0103 Rev. P01; /0104 Rev. P01; /0450 Rev. P01; /0600 Rev. P01; /0601 Rev. P01; /0602 Rev. P01; /0603 Rev. P01; /0604 Rev. P01 received 21 August 2017.

2055-16-DR-0100 Rev. P01; /0101 Rev. P01; /0102 Rev. P01; /0600 Rev. P01 received 21 August 2017.

2055-21-DR-0100 Rev. P01; /0101 Rev. P01; /0102 Rev. P01; /0600 Rev. P01; /0601 Rev. P01; /0602 Rev. P01 received 21 August 2017.

2055-31-DR-0099 Rev. P01; /0100 Rev. P01; /0101 Rev. P01; /0102 Rev. P01; /0103 Rev. P01; /0104 Rev. P01; /0600 Rev. P01; /0601 Rev. P01; /0602 Rev. P01 received 21 August 2017.

Topographical Survey drawings 1, 2, 3 & 4 received 21 August 2017.

INL20124-01 (North 1 of 2), INL21373-03 (North 1 of 2), INL20124-01 (North 1 of 2), INL20124-01 (South 2 of 2), INL21373-03 (South 2 of 2), INL21373 10, INL21373 15 received 21 August 2017.

**Plan no. 2055-01-SK-0003 Rev. P03 received 13 November 2017.**

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

3. A revised response from the County Highway Authority was received. The only difference is the change of the term: "*non single vehicle modes of transport*" to "*non single motorised vehicle modes of transport*" (i.e. cycling, walking, use of public transport, etc.). Accordingly, the last sentence of paragraph 10.2 (3(b)) of the Heads of Terms has been amended:

(b) Provision of one car club vehicle for a minimum of two years, with all costs associated with the provision of the vehicle including provision of parking space and pump priming being met by the developer. When the first car is used by residents of the development for more than 25% of the time averaged over one month then a second car shall be provided with all costs associated with the provision of the second vehicle including provision of parking space being met by the developer. If either the first or second vehicle is removed then the money that would have been invested into either vehicle should be reinvested into the travel plan in order to provide non-single **motorised** vehicle modes of transport.

4. Paragraph 4.19 to be amended:

There are also some areas of land which will be open to the public (**1.41 ha**) including the Pocket Park and Town Square. Public amenity space will be provided in the form of a large public park, consisting of an open grass

area and children play area. The proposal will provide space of some 1.86 ha in total, 1.41 ha public and 0.45 ha private.

5. Second part of paragraph 8.75 to be amended:

The parking provision for the housing units meet the current parking standards. It is also proposed to provide one bike space per flat and this will be secure by a planning condition. **The parking for the commercial and educational floorspace is for operational purposes and is the same as in the previous proposal.** It is noted that the amended proposal does not provide any public parking but **on its own** it is not considered ~~that this could form~~ **sufficient to justify** a reason to refuse.

**Public Speaking:**

In accordance with the Council's public speaking procedures, Simon Slatford spoke for the proposal raising the following key points:

- Scheme revised to address the Committee's concerns and previous reasons for refusal
- Height reduced
- Nos. of dwellings reduced
- Density reduced
- Car parking increased by 90 for the dwellings
- Highly sustainable location
- Meets policies HO1 and HO5
- Provides a mix of dwellings to comply with policy HO4
- The maximum amount of affordable housing has been provided on the site and viability has been independently assessed.
- Will make a positive contribution to the area

In accordance with the Council's public speaking procedures, Ben Johnson spoke for the proposal raising the following key points:

- Met with Councillors, Chamber of Commerce, residents association, medical practice and under took public consultation
- Revised brochure of scheme distributed
- Public square and shops to be provided which will revitalise area
- Will open up open space in the heart of the town
- Will provide a large CIL contribution
- Will provide construction jobs and permanent jobs
- Petition from local businesses in support
- Scheme has addressed concerns of Ashford people

In accordance with the Council's public speaking procedures, Ward Councillor Nick Gething spoke against the proposal raising the following key points:

- Pleased with the amount of work the applicant has done with the resubmission
- Overbearing
- Size of buildings D and E will dominate the town
- Change of character



- Concern over level of affordable housing
- Traffic concerns

**Debate:**

During the debate the following key issues were raised:

- Previous concerns have been addressed
- Decrease in the number of units and habitable rooms
- Residents would like some public parking
- We do not control affordable housing assessment process, constrained by independent evaluation
- Under pressure to provide housing
- Scope for high density housing close to public transport
- Current open space is not accessible to the public, proposed open space will be accessible to the public
- Proposal will be accessible
- All minimum size standards of units met
- Crime by Design queries
- Concern that 20 affordable housing units have been lost
- Businesses have suffered since the school closed and this scheme will benefit businesses
- Will put the town on the map which is needed/ will regenerate Ashford
- Pleased with decrease in units
- Infrastructure concerns
- Queries over CIL
- Bulk and massing now acceptable
- Car parking improvements
- Query over disabled parking
- Query over whether it is a gated development
- Query over if the road will be adopted. It was confirmed that it will not be
- Traffic concerns
- Recognition of the Officers' contributions in preparing and presenting the reports and supporting documentation

As Councillor Howard Thomson was not present for all of the debate on this item he did not take part nor vote on the application.

**Decision:**

The application was **approved** as per agenda subject to it being referred to the Secretary of State and an S106.

**582/17 17/01320/FUL - Sankby, Leacroft, Staines-upon-Thames**

The Chairman took this Item ahead of Item 4a, due to the attendance at the meeting of public speakers both 'for and against' the proposal.

**Description:**

This Item is an application for the creation of a new roof with two rear dormers and rooflights to create habitable accommodation at second floor, erection of 2 no. two storey gabled front extensions, single storey rear extension and alterations to the fenestration of the front, rear and side elevations. Subdivision of the property to create 2 no. five bedroom semi-detached dwellings with associated parking and amenity space.

**Additional Information:**

There was none.

**Public Speaking:**

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

- Only two clear parking spaces was inadequate for the proposal
- Concerns of highway safety due to cars backing out onto the road
- Excessive on street parking already / lack of parking spaces on road
- Multiple occupation concerns

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

- Has developed a number of properties in Spelthorne and none have been converted to guest houses
- Parking provided is sufficient for family houses

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

- High volume of objections received
- Parking in Leacroft is a problem – has done a parking survey which will be considered by the Joint Committee in December
- Multiple occupation concerns
- Unlikely to use parking spaces and will park on road

**Debate:**

During the debate the following key issues were raised:

- Is within walking distance of Staines railway station
- Car parking provided, the use of these is beyond the Council's control
- Meets the Council's Parking standards
- Environmental habitat should remain in the back garden
- Difficult to object when extensions have already been approved
- Previous permissions are not relevant

- Concerns that it may turn into an HMO. An informative is needed
- Vehicles should reverse into the parking spaces not out
- Should be family dwellings.

**Decision:**

The application was **approved** as per agenda subject to the following additional informative:

The applicant is advised that planning permission is required to use the dwellings for more than six residents living together as a single household or for an HMO of more than six residents.

**583/17 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.

**584/17 Urgent Items**

An urgent report was circulated at the meeting in relation to Pentire, Stable 2, Fordbridge Road, Sunbury on Thames.

This concerned an outbuilding which is being used as a separate residential dwelling without planning permission.

The report was brought to the Planning Committee as an urgent item as it involved the potential loss of a home and the enforcement action was subject to time limits.

It was considered that the residential use had not taken place for more than 4 years and was contrary to Green Belt and Flood Plain policy.

The recommendation was to serve an enforcement notice requiring the cessation of the residential use of the land and building as a separate residential unit, the removal of all fixtures and fittings and all ancillary residential structures.

The time period for compliance was agreed at 6 months.

During the debate the following key points were noted:

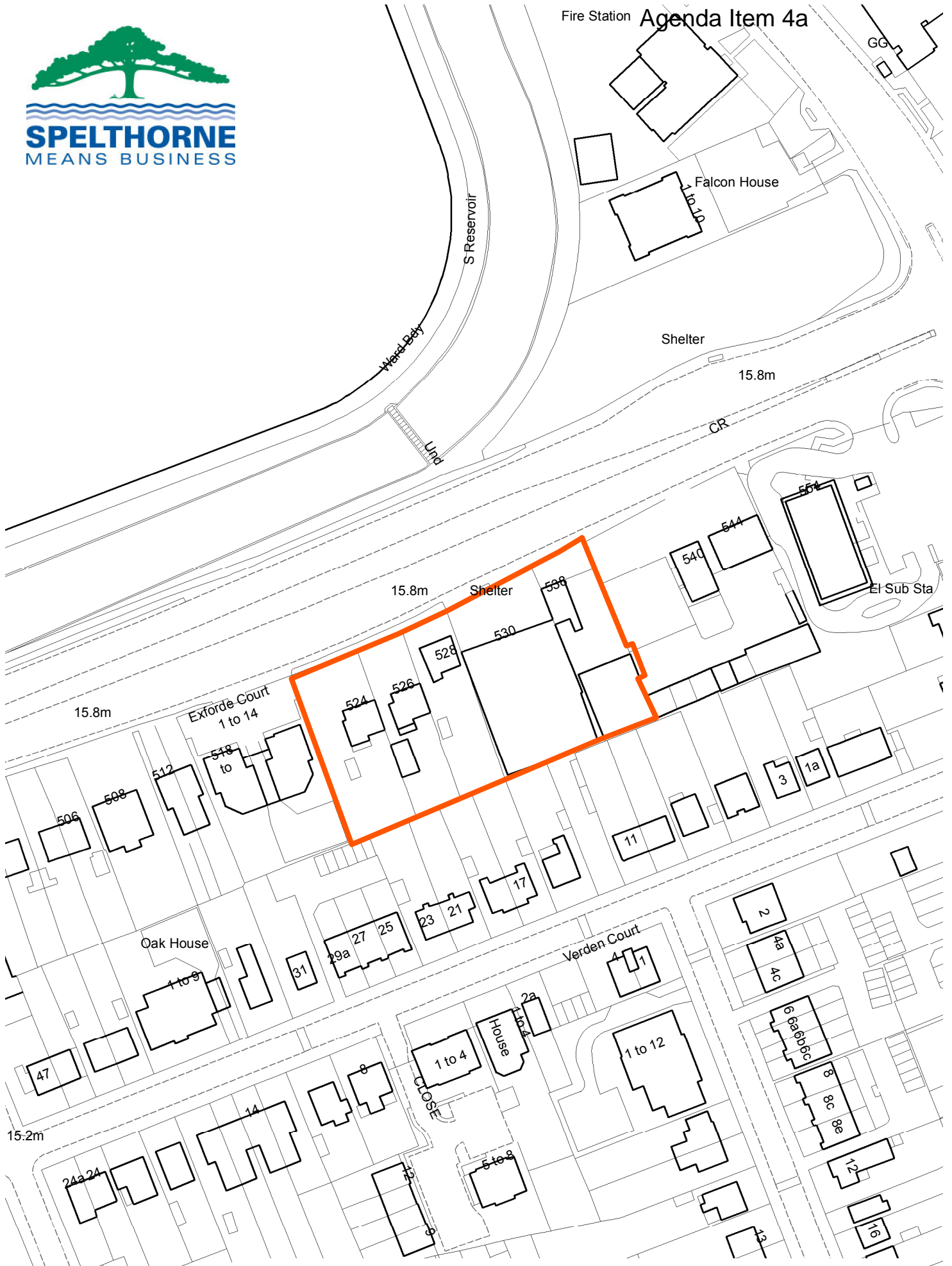
- Flooding issues.
- Use of surrounding properties also within the Green Belt.
- Timeline of occupancy/usage as a dwelling without conforming to appropriate planning regulations.

**Decision**

The Planning Committee **agreed** the recommendation to take enforcement action as detailed in the report.

**585/17 Thanks to Mr. Dan Skerten**

The Chair extended his thanks, and those of the Planning Committee, to Mr. Dan Skerten, Committee Manager, who recently left Spelthorne Borough Council. Mr. Skerten's work in committee duties was noted and an appreciation for his professional contributions were expressed.



17/00640/FUL - 524-538 London Road Ashford TW15 3AE.

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# Planning Committee

13 December 2017



<b>Application No.</b>	17/00640/FUL
<b>Site Address</b>	524-538 London Road, Ashford, TW15 3AE
<b>Applicant</b>	Mr Bal Hans, Staxlink Ltd
<b>Proposal</b>	Demolition of existing buildings and erection of a part 2-storey/part 3-storey/ part 4-storey/ part 5-storey building to provide 58 flats (33 no. 1-bed and 25 no. 2-bed), together with associated access, parking and amenity space.
<b>Ward</b>	Ashford North and Stanwell South
<b>Called-in</b>	N/A
<b>Officers</b>	Paul Tomson and Siri Thafvelin

<b>Application Dates</b>	Valid: 20/09/2017	Expiry: 20/12/2017	Target: Under 13 weeks
<b>Executive Summary</b>	<p>This application seeks the demolition of the existing buildings and the creation of a new residential development comprising 58 flats 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 buildings and redeveloping the site for residential purposes is considered acceptable. Whilst the proposed building will be up to 5-storeys in height and substantially greater in scale compared to surrounding properties, it will be very similar in height and scale to the approved hotel building originally granted planning permission in 2014, and subsequently approved again in August 2017. Consequently, the impact on the character of the area and the effect on neighbouring properties will be similar to the approved scheme. 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 (72 spaces) is considered acceptable in this particular area that is well served by public transport. The County Highway Authority and Highways England have raised no objection on highway safety grounds.</p>		
<b>Recommended Decision</b>	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)
- HO1 (Providing New Housing Development)
- HO3 (Affordable Housing)
- HO4 (Housing Size and Type)
- HO5 (Housing Density)
- EN1 (Design of New Development)
- EN3 (Air Quality)
- EN11 (Development and Noise)
- 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

14/00194/FUL	Demolition of existing buildings and erection of a 132 room hotel with parking spaces, access and landscaping.	Approved 10/12/2014
17/00639/FUL	Demolition of existing buildings and erection of a 132 room hotel with parking spaces, access and landscaping.	Approved 25/08/2017

2.1 With regard to 14/00194/FUL, this application was reported to the Planning Committee for a decision on the 30 July 2014 with a recommendation for refusal. However, the Committee decided to overturn the officer's recommendation and approved the planning application subject to the completion of a Section 106 agreement. The legal agreement was subsequently completed and planning permission granted on the 10 December 2014.

2.2 With regard to 17/00639/FUL, this scheme was identical to the previous hotel scheme approved on the 10/12/2014 (effectively it was a renewal of the previous planning permission) and was approved in August of this year.

### 3. Description of Current Proposal

3.1 The application site is 0.39 hectares and is located on the southern side of the A30 London Road (which is a Trunk Road) some 100 metres due west of the A30 junction with Town Lane and Stanwell Road (generally known as the

Bulldog Junction). The site is almost rectangular in shape and has an 83m wide frontage to the A30 and a depth of 45-49 metres.

- 3.2 The site is currently occupied by three detached residential bungalows (one of which is currently derelict) and two commercial buildings, one of which is used for retail purposes. Both commercial buildings abut the rear boundary of the site and the tallest has a height of some 6.2 metres.
- 3.3 A car sales and workshop is situated to the east of the site and a block of flats, 1-14 Exforde Court, is situated west of the site. To the east along London Road are three two storey units in commercial use. To the west along London Road is Exforde Court which has a ridge height of 11m. Kenilworth Road is situated to the rear (south) of the site. This road runs parallel to London Road to the front (north) and comprises residential development that is mainly two storey in scale. Most of the dwellings to the rear of the site are semi-detached houses but there are also a few detached properties and some purpose built flats. The properties that are situated to the rear of the site have garden depths ranging from 18 to 23 metres.
- 3.4 There is a reservoir opposite the site is on the north side of London Road that is designated as a Site of Special Scientific Interest (SSSI) and a Special Protection Area (SPA)/Ramsar site for wildfowl.
- 3.5 The proposal seeks to demolish the existing buildings on the site and provide a block of 58 flats with associated parking. Parking for 72 cars, including 2 disabled parking spaces, are to be provided along the front and rear boundaries and in an undercroft parking area. There is also a secure cycle store in the south-west corner of the site with space for 64 bicycles.
- 3.6 The building would have a width of up to 79.4 metres to the road frontage and depth of up to 17.8 metres. It would be three storey at its western side rising across the site to the eastern side where it would be five storey, with a maximum height to a flat roof of 14.4 metres. Amenity space would be provided in the form of gardens for the ground floor units and balconies for the flats above. Access and egress would be directly onto London Road and would remove the current multiple access points. The existing strip of land that provides access to Kenilworth Road is owned by the applicant. However, it does not form part of the application site (it is outlined in blue on the site location plan) and it will be closed off from the proposed development.
- 3.7 The three storey element to the western part of the site would have a height of 9.6m to the flat roof and would be situated a minimum of 17.4 metres from the rear boundary of the site. The building would then increase to four storeys towards the centre of the site where it would be located 17.4-18.2 metres from the rear boundary and have a height of 13.6m to the flat roof. Part of the building would then increase to five storeys in the eastern corner of the site where it would be set in 19m from the rear boundary and have a height of 14.4m to the flat roof.
- 3.8 Following discussions with the applicant revised drawings have been submitted to increase the amount of bin storage and number of parking spaces. As part of this revision a two storey element has also been removed from the north-eastern corner of the site and the amount of garden space has been increased and the building access altered slightly to improve the residential amenity of units 4-7. The original proposal comprised the creation of 63 flats (35 no. 1 bedroom units and 28 no. two bedroom units) and 63 parking spaces. The



current proposal would provide 58 flats (33 no. 1 bedroom units and 25 no. 2 bedroom units) and 72 parking spaces. The amount of amenity space has also been increased from 499m<sup>2</sup> to 516m<sup>2</sup>. 7 no. units are to be affordable (intermediate housing/shared ownership).

- 3.9 The current scheme follows a recently approved application for the demolition of the existing buildings and erection of a 132 room hotel with parking spaces, access and landscaping (17/00639/FUL). The approved development is similar in scale and design and comprises a part two/three/four/five storey building which would have a road frontage measuring 78.7m in width and have a maximum height of 14.7m to the roof. The approved building would be in a similar location to the existing proposal but the hotel building would also have a two storey element in the north-western corner of the site which would be set in just 3.75m from the rear boundary before increasing in height to five storeys towards the north corner of the site.
- 3.10 Copies of the proposed site layout and elevations are provided as an appendix.

#### 4. Consultations

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

<b>Consultee</b>	<b>Comment</b>
<b>Surrey Police</b>	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.
<b>Head of Neighbourhood Services</b>	No objection.
<b>Highways England</b>	No objection subject to conditions.
<b>Natural England</b>	No comments.
<b>Environment Agency</b>	No objection.
<b>Environmental Health (noise)</b>	No objection but requests a condition.
<b>Environmental Health (contamination)</b>	No objection but requests conditions.
<b>Environmental Health (air quality)</b>	No objection but requests conditions.
<b>Renewable Energy</b>	No objection.
<b>Thames Water</b>	No objection but requests conditions.
<b>County Highway Authority</b>	No objection but recommends conditions and informatives to be attached.
<b>Local Lead Flood Authority (Surrey County Council)</b>	No objections but recommends a condition to be attached to the decision notice.

<b>Valuation Advisor</b>	Considers the proposal to provide 7 no. intermediate housing (shared ownership) units to be acceptable.
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## **5. Public Consultation**

5.1 64 letters of notification were sent out to neighbouring properties. In addition, a statutory notice has been displayed outside the site and a notice was placed in the local newspaper. Six letters of objection have been received, including one from SCAN. Reasons for objecting include:

- Loss of privacy/overlooking
- Overbearing impact
- Loss of light
- Out of proportion
- Overdevelopment
- Out of character
- Low level of affordable housing
- Impact on traffic, parking and access
- Noise, dust and rodents
- Noise during construction work
- Loss of trees
- Impact on drainage
- Lack of parking

## **6. Planning Issues**

- Principle
- Need for housing
- Housing density
- Design and appearance
- Amenity space
- Impact on neighbouring properties
- Parking
- Highway matters
- Affordable housing
- Dwelling mix

## **7. Planning Considerations**

### Principle

7.1 The site is located within the urban area and is occupied by a mix of commercial buildings and three detached bungalows. The site is not located within a designated Employment Area. The principle of demolishing the existing commercial and residential buildings and replacing it with a new residential development is considered acceptable.

### Need for Housing

7.2 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.

- 7.3 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).
- 7.4 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.
- 7.5 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.“
- 7.6 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.

#### Housing Density

- 7.7 Policy HO5 of the CS & P DPD states that within higher density residential areas, including those characterised by a significant proportion of flats and those containing significant Employment Areas, new development should generally be in the range of 40 to 75 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.
- 7.8 The application site area is 0.39 hectares. The proposed density is therefore 149 dwellings per hectare (dph), which is above the recommended 40 to 75 dph range stipulated in Policy HO5. It is important to note that any mathematical density figure, is in part, a product of the mix of units proposed. In this case all of the units are either 1 bed or 2 bed and accordingly it is possible to accommodate many more small units within a given floorspace and an acceptable numerical density can be much higher. Moreover, the site is in a location that is well served by public transport. In particular, there are 6 different bus routes that operate within the vicinity of the site either on London Road or Stanwell Road/Town Lane. Indeed there is an existing bus stop located directly outside the application site on London Road and there is a large Tesco store nearby. Accordingly the proposed housing density is considered acceptable, subject to it complying with Policy EN1 on design.

## Design and Appearance

- 7.9 The proposed building is contemporary in terms of design, with vertical relief projections and different colours and materials which help to 'break up' the appearance of the building. Parts of the building are also slightly set back from the main elevation to reduce the apparent scale of the building.
- 7.10 Policy EN1 of the Core Strategy and Policies Development Plan Document 2009 requires a high standard in the design and layout of new development. It states that new development should '*create buildings... that 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*'. The area to the rear is largely characterised by two storey semi-detached dwellings. To the west the area is also predominately two storey and residential in character, however it is noted that whilst Exforde Court adjoining the site has been designed to be two storey in appearance it has accommodation, including balconies, at second floor level within the roof. The area to the east is characterised by primarily commercial buildings fronting the A30 between the site and the Bulldog junction. The flatted development of West Plaza on the north-east side of the Bulldog junction is also visible from the site. The site is currently occupied by three detached bungalows and two commercial buildings that are either single or two storey.
- 7.11 The building would be three storey in appearance on its western side with undercroft parking provided at ground level and two floors of residential accommodation above. The building would then gradually increase in height across the width of the plot up to five storeys in the eastern end and a maximum building height of 14.4 metres. The flats to the west of the site (Exeforde Court) are up to 11 metres in height and the commercial buildings to the east have a height of 8.2-8.4 metres. The tallest building on the application site (due to be demolished) has a height of 8 metres. The overall width of the new building is 79.4 metres and the building would be up to 17.8 metres in depth.
- 7.12 The development is of a similar in design to the recently approved hotel building when viewed from London Road in terms of its height and width. However, the current proposal is marginally lower and has been reduced in depth which improves the relationship with neighbouring properties to the rear of the site. The use of balconies reflect the residential nature of the building and landscaping around the periphery of the site and between the ground floor units and the access road and parking areas soften the impact of the building. Overall, the design and appearance of the scheme is considered acceptable.

## Amenity of Future Residents

- 7.13 It is considered that the proposal would provide an acceptable level of residential amenity for the future occupiers of the development. The Department for Communities and Local Government's 'Technical housing standards' (March 2015) sets out minimum floor areas for new dwellings which each unit would comply with or exceed. The proposal originally included a two storey element in the south-eastern corner of the site which resulted in poor outlook for four ground and first floor units which would have their sole outlook onto the adjacent car sales and workshop to the east of the site. Revised plans have since been submitted without this two storey element and with improved outlook and/or additional landscaping for units 6, 7, 15 and 16 as shown on drawings 101 Revision A and 102 Revision A. Following these revisions it is

considered that the future occupiers will enjoy an acceptable level of amenity in terms of sufficient living area, outlook, light and privacy.

- 7.14 It is proposed to separate the ground floor units from the adjacent vehicle access and parking areas to the front and rear of the building with planting and private amenity space. It is considered that the green spaces to the front (serving units 1-3 and 8) would create a sufficient degree of separation between the flats and the roadway, however, due to their proximity to the roadway it is not considered that they are likely to be used as private amenity space and these areas are therefore not included in the amenity space provision for the development. The scheme would require a minimum of 465m<sup>2</sup> of amenity space to fulfil the minimum amenity standards set out in the SPD. The proposal would exceed this by providing 516m<sup>2</sup> in the form of private gardens and balconies and is considered acceptable.

#### Impact on Neighbouring Properties

- 7.15 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.
- 7.16 The Council's Supplementary Planning document (SPD) on the Design of Residential Extensions and New Residential Development 2011 provides minimum separation distances for 2 and 3-storey development in relation to neighbouring properties. With regard to 3-storey development, the SPD stipulates a minimum 'back to back' separation distance of 30 metres, and a minimum 'back to boundary' distance of 15 metres. It is recognised that only a small proportion of the proposed building will be 3-storey (the part nearest to Exforde Court), with the vast majority being either 4-storey or 5-storey. However, it is considered that the SPD provides useful guidance in assessing the impact of the proposal in relation to the neighbouring properties in Kenilworth Road.
- 7.17 With regard to the proposed 3-storey rear elevation, there will be a 'back to back' separation distance of 40.8 metres in relation to 23 Kenilworth Road and 38.6 metres to 25/25a Kenilworth Road. The proposed 'back to boundary' distance will be at least 17.6 metres. These distances are in excess of the minimum SPD standard and are therefore acceptable.
- 7.18 The proposed 4-storey rear elevation will face towards the neighbouring properties of 15, 17, 19 and 21 Kenilworth Road. The distances between the proposed 4-storey rear elevation and the neighbouring houses vary between 34.5 metres (from the back of No. 15's substantial single storey rear extension) and 40.6 metres. Whilst the SPD does not have minimum separation distances for 4-storey development, the proposed gaps will be substantially (and proportionately) greater than the 3-storey 30 metres 'back to back' standard. The proposed 'back to boundary' gaps vary between 17.4 metres and 18.2 metres, which is some 2.4m – 3.2m above the minimum 3-storey SPD standard. The proposed 4-storey element is the same height and scale as the previous hotel scheme, which was approved earlier this year (17/00639/FUL) and consequently it is not considered there are sufficient grounds to justify refusal of planning permission on visual impact or outlook grounds.

- 7.19 The proposed 5-storey element will be situated to the rear of 7, 9 and 11 Kenilworth Road. The proposed separation distances between the buildings will vary between 36 metres (back of No. 9's single storey rear extension) and 39 metres. The proposed 'back to boundary' distance in this part of the site will be between 17.6 metres and 19 metres. Whilst the proposed 5-storey element will be substantial in scale and will clearly have a greater impact compared to the existing buildings, the visual impact will be very similar to the 5-storey element associated with the approved hotel scheme. Consequently, it is considered that a refusal of planning permission could not be justified on visual impact or outlook grounds. It is relevant to note that the impact of the proposal on these neighbouring properties will be slightly improved compared to the hotel scheme due to the removal of the 2-storey rear wing to be replaced with parking and space for landscaping.
- 7.20 In terms of overlooking, the applicant has agreed to the imposition of a condition requiring the balustrades around the balconies on the southern elevation to be obscure glazed and increased in height. This will ensure that the people sitting out on the balconies will not be able to overlook the neighbouring rear gardens. With this condition imposed, I do not consider the level of overlooking will be significantly greater compared to the approved hotel scheme, and not sufficient to justify a refusal of planning permission.
- 7.21 With regard to Exforde Court, the proposed impact will be very similar to that of the approved hotel scheme and is therefore considered acceptable. The existing windows in the neighbouring eastern side elevation are secondary openings with the main outlook of these rooms facing to the front.
- 7.22 The impact of the proposal on the other neighbouring properties, including the commercial car sales site to the east, is considered acceptable.

#### Parking Provision

- 7.23 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.
- 7.24 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 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.
- 7.25 The supporting text to the Parking Standards and associated 'Position Statement' stipulates a number of exceptional situations where a reduction in parking will be allowed. One of these situations includes town centre locations where the reduction in parking will be assessed against, amongst other transport considerations, the range and quality of facilities within reasonable walking distance.
- 7.26 The proposed parking provision is 72 spaces, whilst the minimum parking standard for a scheme of this size is 79 spaces. The proposed provision is therefore some 7 spaces below the minimum standard. Whilst the application site is not strictly located within a town centre, it is nevertheless situated in an area of the Borough that is relatively well served by public transport. There are 6 different bus routes located within close proximity of the site and the site is therefore very well served by buses. There is indeed a bus stop serving several

of these routes directly outside the site on London Road. Furthermore, the site is located within walking distance of the Tesco superstore, hospital and other facilities in the area. It is also within walking distance of Ashford town centre and its railway station (1km away). In this context, it is considered that the site is in an accessible location and I consider that there are sufficient grounds to justify the level of parking in this particular case.

#### Affordable Housing

- 7.27 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. Provision within any one scheme may include social rented and intermediate units, subject to the proportion of intermediate not exceeding 35% of the total affordable housing component.
- 7.28 The applicant is proposing 7 no. affordable units, all of which are to be occupied as intermediate housing (i.e. shared ownership). This represents 12% of the total number of units on the site. None of the units are to be occupied as social rent. The applicant has submitted an affordable housing viability report which sets out why they are only able to provide 7 affordable units with none of them as social rent. The Council's valuation advisor was consulted on the report and agrees that it is not viable to provide more than the 7 no. intermediate units currently being offered. Accordingly, it is recommended that the applicant enters into a Section 106 agreement (see paragraph 8.1) to secure the 7 no intermediate units.
- 7.29 It is relevant to note that the Council's valuation advisor's assessment, and her recommendation to agree the provision of 7 no. intermediate units, was based on the original scheme as submitted comprising a total of 63 units. Since that time, the applicant has reduced the development by removing the 2-storey rear wing and reducing the number of units from 63 to 58. The applicant was subsequently asked if they were still willing to provide the 7 no. affordable units on the site. The applicant has since confirmed that they are in agreement to provide the 7 no. affordable units in the scheme.

#### 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 in the region of £160,000 in CIL Payments. 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 proposal has been amended since it was first submitted to increase the size of the bin stores. The total bin volume is 31,700 litre which meets the Council's standards and is now considered acceptable.
- 7.33 The applicant has provided a swept path analysis in the Transport Assessment to demonstrate that a large vehicle such as a refuse collection vehicle can enter the site, empty the bins and leave the site in a forward gear. Highways England and the County Highway Authority have raised no objection to this scheme provided this access and egress arrangement is carried out in accordance with the submitted details and have requested a condition to ensure that this is carried out.
- 7.34 All of the proposed units will be either one or two bedroom in size and the development therefore complies with the Council's smaller dwellings policy (HO4 of the CS & P DPD).
- 7.35 The Council's Pollution Control Officer has raised no objection on air quality grounds.
- 7.36 The Council's Sustainability Officer has raised no objection to the renewable energy facilities (photovoltaic solar panels).
- 7.37 The Council's Environmental Health Officer has raised no objection on noise grounds.
- 7.38 With regard to the comments from SCAN (Spelthorne Committee for Access Now) the proposed ground floor has been designed to be at a similar level to the existing ground level. Ramps have been incorporated into the scheme. Lifts are provided for access to the upper floors. 2 no. disabled parking spaces will be provided. The units are reasonable in size and it is considered that they could be adapted if necessary to disabled occupiers. The applicant will need to carry out the development in accordance with part M of the Building Control regulations requirement (access to and use of building).
- 7.39 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).

## **8. Recommendation**

- 8.1 (A) Subject to the applicant first entering into an appropriate legal agreement in respect of the following:
1. To provide at least 7 affordable intermediate housing units on site built in accordance with current Homes and Communities Agency Scheme



Development Standards, the details of which shall be agreed with the Council's Planning Development Manager.

- Prior to implementation the Registered Social Landlord (RSL) shall enter into a Nominations Agreement in respect of the affordable housing (in order that the affordable housing meets local needs).
- Build and complete the affordable units and hand over to the Registered Social Landlord prior to the occupation of the building.

**In the event that the Section 106 Agreement is not completed**

In the event that the Section 106 agreement is not completed to the satisfaction of the Local Planning Authority and/or 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 reasons:

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) In the event that the Section 106 agreement is completed to the satisfaction of the Local Planning Authority; 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:

050; 51; 52; 100 received 18 April 2017

53 received 08 November 2017

101 Rev. A; 102 Rev. A; 103 Rev. A; 104 Rev. A; 105 Rev. A; 106 Rev. A; 107 Rev. A; 108 Rev. A; 109 Rev. A received 20 November 2017.

PL113 & PL113 Rev. A received 24 November 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](http://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. Notwithstanding the approved plans, prior to the construction of the building hereby permitted details of the balustrades for the balconies on the southern elevation to include measures to prevent overlooking towards to the neighbouring properties in Kenilworth Road shall be submitted to and approved in writing by the Local Planning Authority. The agreed balustrades shall be implemented prior to the occupation of the building and thereafter maintained as approved.

Reason:- To safeguard the amenity of neighbouring properties.

14. No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason:- The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure.

15. No development shall take place unless and until Highways England as Highway Authority for the A30 at Ashford, are content that the access/egress to the development will be safe for all users of the Strategic Road Network (A30) and can be delivered in accordance with drawing no. 101 Rev. A which has been subject to a Road Safety Audit 2 in accordance with HD 19/15. Before undertaking the Road Safety Audit process, the audit brief and details of the audit team should be submitted to and approved by Highways England in accordance with standard HD 19/15.

Reason:- To ensure that the A30 at Ashford continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act and that any agreed highway works are delivered in accordance with the Design Manual for Road and Bridges.

16. Prior to occupation of the development, the highway works shall be delivered in accordance with drawing no. 101 Rev. A (or any approved further iterations of this drawing). This drawing will include details of the works approved by Highways England, as highway authority, in consultation with the Local Planning Authority. The approved works shall be implemented and completed in full prior to the first occupation of the development hereby permitted.

Reason:- To ensure that the A30 at Ashford continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act and that any agreed highway works are delivered in accordance with the Design Manual for Road and Bridges.

17. The development hereby approved shall not be first occupied unless and until the existing access from the site to Kenilworth Road has been permanently closed and any kerbs, verge, footway, fully reinstated.

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.

18. No development shall commence 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) vehicle routing
- g) measures to prevent the deposit of materials on the highway 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.

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.

19. Notwithstanding the submitted travel plan prior to the occupation of the development a Travel Statement shall be submitted for the written approval of the Local Planning Authority in accordance with the sustainable development aims and objectives of the National Planning Policy Framework, Surrey County Council's 'Travel Plans Good Practice Guide'. And then the approved Travel Statement shall be implemented upon first 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.

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

- a) A maintenance plan showing the maintenance regimes for each SuDS element and who will be responsible for maintaining these.
- b) An exceedance flow plan that shows where water will drain to during exceedance or system failure.
- c) A construction phase plan explaining how the drainage system will not be compromised during construction. (to include details of how pollutants and sediments from construction will be managed to prevent being washed into the watercourse).

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

21. 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 constructed to the technical standards

22. No new development shall be occupied until six 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 three dual headed 7kW fast charge posts for electric vehicles. The scheme shall include a schedule of dates by which the layout of six additional spaces to accommodate three further dual headed 7kW (fast charge) posts as charging bays in the future and a mechanism for residents to request provision ahead of those dates. 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](http://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](http://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) A detailed specification of demolition and construction works at each phase of development including consideration of all environmental impacts and the identified remedial measures;
  - b) Site perimeter automated noise and dust monitoring;
  - c) 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.;
  - d) 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.)
  - e) A commitment to adopt and implement of the ICE Demolition Protocol and Considerate Contractor Scheme;
  - f) 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',
  - g) BS 7385-2:1993 Evaluation and measurement for vibration in buildings. Guide to damage levels from ground borne vibration,
  - h) BS 6472-1:2008 'Guide to evaluation of human exposure to vibration in buildings - vibration sources other than blasting,
  - i) Relevant EURO emission standards to comply with Non-Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999,
  - j) Relevant CIRIA practice notes, and
  - k) BRE practice notes.
  - l) Site traffic – Routing of in-bound and outbound site traffic, one-way site traffic arrangements on site, location of lay off areas, etc.;
  - m) Site waste Management – Accurate waste stream identification, separation, storage, registered waste carriers for transportation and disposal at appropriate destinations.
  - n) 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. With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. The contact number is 0800 009 3921.

5. Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.
6. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [wwriskmanagement@thameswater.co.uk](mailto:wwriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality)."
7. Notwithstanding any permission granted under the Planning Acts, no signs, devices or other apparatus may be erected within the limits of the highway without the express approval of the Highway Authority. It is not the policy of the Highway Authority to approve the erection of signs or other devices of a non-statutory nature within the limits of the highway.
8. 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.
9. The permission hereby granted shall not be construed as authority to carry out any works on the highway. The applicant is advised that prior approval must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, or verge to form a vehicle crossover or to install dropped kerbs. Please see [www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-crossovers-or-dropped-kerbs](http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-crossovers-or-dropped-kerbs).
10. 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).
11. The travel statement shall include information on how to reach education, retail, employment and leisure land uses within 2km walking distance from the site and 5 km cycling distance from the site and to the education, retail, employment and leisure land uses further away by bus services within 400 metres of the site.
12. 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](http://www.ccscheme.org.uk/index.php/site-registration)).

13. 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.

14. The applicant is advised that all gas fired boilers should meet a minimum standard of less than 40mgNO<sub>x</sub>/kWh. All gas-fired CHP plant should meet a minimum emissions standard of 50mgNO<sub>x</sub>/Nm<sup>3</sup> for gas turbines - note other limited apply for spark or compression ignition engines. Where biomass is proposed within an urban area it is to meet minimum emissions standards of: Solid biomass boiler 275 mgNO<sub>x</sub>/Nm<sup>3</sup> and 25 mgPM/Nm<sup>3</sup>.

**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.



Level 1 Floor Plan  
Scale 1:200

Outline of the proposed hotel  
Footprint of the first floor

ACCOMMODATION SCHEDULE

Level	Type of Unit	Quantity	Area m <sup>2</sup>
Level 1	2 bed	2	80
Level 1	2 bed	5	50
Level 1	1 bed	5	50
8 Units			

BCB Design Ltd London  
T: 0203 9729919 M: 07501 475248  
Email: mrodgers@bcbd.com

1. The information is provided for reference only.  
2. The information is provided for reference only.

Proposed Development:  
204-208 Upper Road, Aylesbury  
Buckinghamshire  
Proposed Level: Floor 1/1st  
Proposed Date: 12/11/2024

1205 & A1  
M15 & A1  
079 100  
A



Level 2 Floor Plan  
Scale 1:200



Outline of the proposed hotel

ACCOMMODATION SCHEDULE

Level	Type of Unit	Quantity	Area m <sup>2</sup>
Level 2	2 bed	2	80
Core A	2 bed	1	71
	1 bed	6	50
Core B	2 bed	2	80
	1 bed	2	50
			16 Units

BCB Design Ltd London  
T: 0208 8729518 M: 07201 147246  
Email: rando@cbcdesign.com

Project: [illegible]  
Client: [illegible]  
Address: [illegible]

Prepared: [illegible]  
Checked: [illegible]  
Date: [illegible]

PLANNING  
A



Level 3 Floor Plan  
Scale 1:200

Outline of the proposed hotel

ACCOMMODATION SCHEDULE

Level	Type of Unit	Quantity	Area m <sup>2</sup>
Level 3	2 bed	2	80
Core A	2 bed	1	71
Core A	1 bed	0	70
Core B	2 bed	2	80
Core B	1 bed	2	70
			<b>16 Units</b>

BCB Design Ltd London  
T: 0208 872919 N: 07501 147248  
Email: hannah@bcbdesign.com

Project: Planning  
Client: BCB Design Ltd  
Scale: 1:200  
Date: 15/10/2019  
Drawing No: 100  
A



Level 4 Floor Plan  
Scale 1:200

Outline of the proposed hotel

ACCOMMODATION SCHEDULE

Level	Type of Unit	Quantity	Area m <sup>2</sup>
Level 4	2 bed	2	80
Level 4	2 bed	2	71
Level 4	1 bed	6	50
Level 4	1 bed	2	75
Level 4	1 bed	3	50
Level 4	1 bed	3	50
			14 Units



Level 5 Floor Plan  
Scale 1:200

Outline of the proposed hotel

ACCOMMODATION SCHEDULE

Level	Type of Unit	Quantity	Area m <sup>2</sup>
Level 5	2 bed	2	80
Level 5	2 bed	1	74
Core A	1 bed	1	50
			4 Units

BCB Design Ltd London  
T: 0208 8728819 R: 0201 147246  
Email: kenshi@bcbd.co.uk

4. The above plan is to be submitted to the Council for approval.

Project Name: BCB Design Ltd  
Client: BCB Design Ltd  
Date: 12/11/2024  
Drawing No: 079  
Scale: 1:200  
Sheet No: 105  
A



North Elevation - London Road  
Scale 1:200

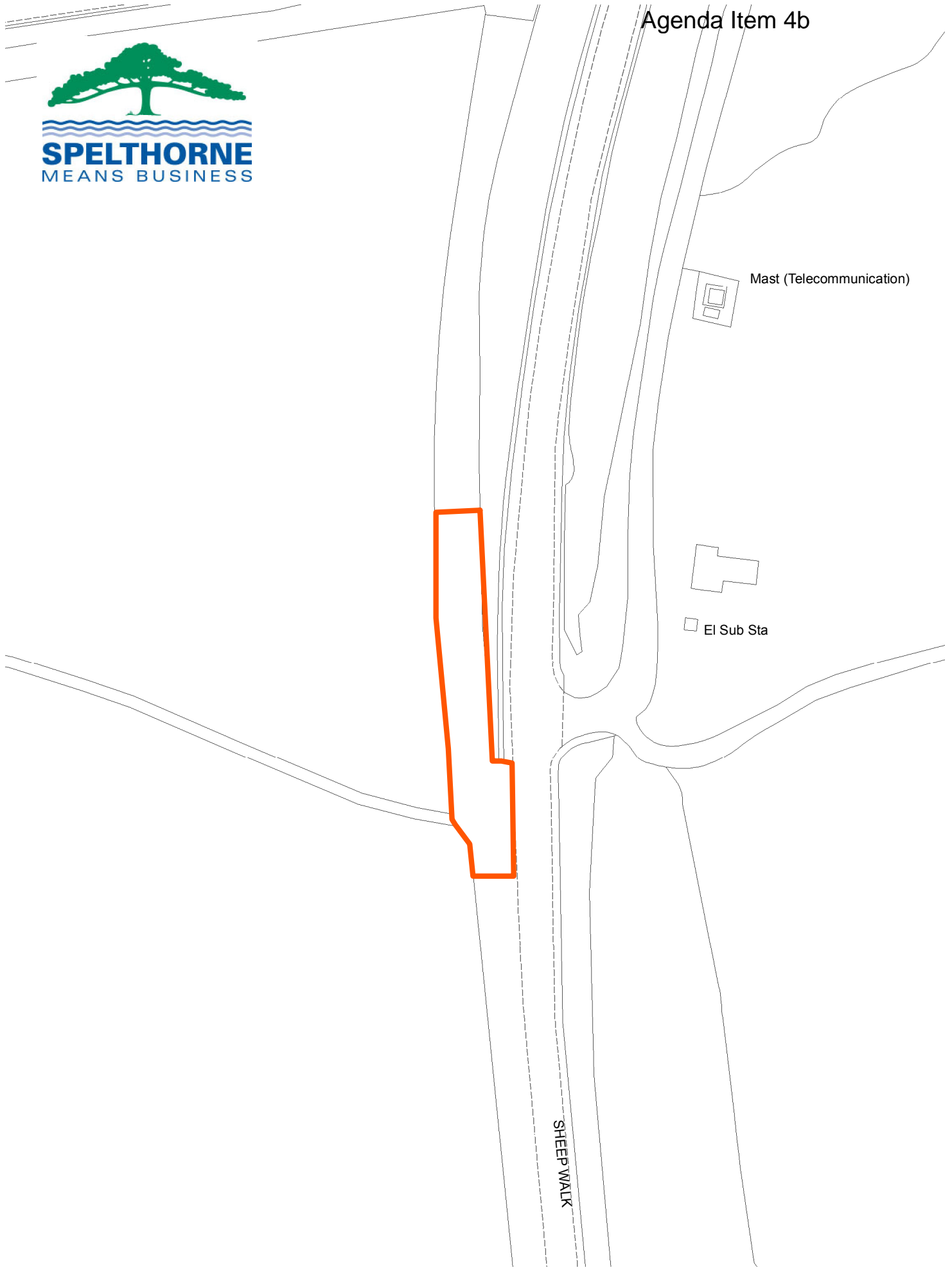


North Elevation - London Road  
Scale 1:100









17/00365/FUL - Hamiltons Pitch Sheep Walk Shepperton TW17 9NS. N

Scale 1:1,250

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## Planning Committee

13 December 2017



<b>Application Nos.</b>	17/00365/FUL		
<b>Site Address</b>	Hamilton's Pitch, Sheep Walk, Shepperton		
<b>Proposal</b>	Retention of hardstanding and stationing of two residential caravans, associated vehicles and equipment, and tipping of top soil to enable landscaping.		
<b>Applicant</b>	Mr J. Gess		
<b>Ward</b>	Shepperton Town		
<b>Call in details</b>	N/A		
<b>Case Officer</b>	Paul Tomson		
<b>Application Dates</b>	Valid: N/A	Expiry: N/A	Target: N/A
<b>Executive Summary</b>	<p>The applicant has lodged an appeal against the non-determination of the above planning application to the Planning Inspectorate. Local residents have been notified of the appeal and given the opportunity to raise representations to the Planning Inspectorate. The appeal is due to be heard at a hearing on the 23 January 2018. As the appeal is against the non-determination of the planning application, it is considered necessary to establish what decision the Council would have made if they were able to formally determine it. The Council's resolution will form the Council's case at appeal and will be reported to the Planning Inspectorate so that it can be taken into account when they make a decision on the appeal.</p> <p>The site is located within the Green Belt and the proposed hardstanding, temporary stationing of 2 residential caravans, and other associated development constitutes 'inappropriate development' in the Green Belt. Moreover, the proposal will result in a loss of openness and harm the visual amenities of the Green Belt. It is not considered that there are any 'very special circumstances' that would clearly outweigh the harm to the Green Belt.</p> <p>The site is located within an area liable to flood. The provision of residential caravans which are a 'highly vulnerable development' would be inappropriate and would place the occupants at unacceptable risk from flooding. Furthermore, the applicant has failed to demonstrate that the importation of topsoil to create a landscape strip will not have an</p>		

	<p>adverse impact on flood risk.</p> <p>In addition, the proposal is considered to be visually intrusive and would cause significant harm to the character and appearance of this rural area.</p>
<b>Recommended Decision</b>	<p>If the Council had been able to formally determine this application it would have been refused for the reasons set out in Section 9 of the report.</p>

## MAIN REPORT

### 1. Background

- 1.1 In March 2017, the Council received a planning application for the retention of an existing hardstanding, temporary standing of two residential caravans, associated vehicles and equipment, and the tipping of topsoil to enable the creation of a landscape strip. The Council considered the submitted plans and documents to be inadequate in validation terms and the application was never made valid.
- 1.2 The applicant has since lodged an appeal to the Planning Inspectorate following the failure of the Council to determine the planning application within the appropriate period. In particular, the applicant has appealed on the grounds that the Local Planning Authority did not make a decision on the planning application within the appropriate period (8 weeks) because of a dispute over the provision of Local List documents (i.e. plans and documents required to make the application valid). As the planning application was not made valid, neighbouring properties and consultees were not notified of the planning application.
- 1.3 Neighbouring properties and consultees have, however, been notified of the appeal and given the opportunity to make representations to the Planning Inspectorate. The appeal is due to be heard at a hearing to be held at the Council Offices on the 23 January 2018 (neighbours will be notified of this nearer the time).
- 1.4 The site and the wider area of land to the west of Sheep Walk has been subject to extensive planning and enforcement history. In December 2013 an Injunction was issued by the High Court against the land owned by the applicant (outlined in blue on the application site location plan), and in relation to the land further to the south and west. The Injunction prevents the land being used for residential purposes and precludes the stationing of any caravans, mobile homes, other structures, and the parking of vehicles. It also prevent the importation of waste material or the laying of hardstanding.
- 1.5 After 3 years of non-compliance of the above Injunction and the threat of imprisonment, the applicant moved their mobile homes and associated equipment off their land and onto the adjacent piece of land which is subject to the current application/appeal. This land is owned by Highways England.

The applicant also installed the hardstanding which is subject to the current application/appeal. The Council subsequently applied for a second Injunction that related specifically to the Highways England land. The Injunction was issued by the High Court in September 2017 and prevented the use of the land for residential purposes, parking of caravans, mobiles homes, lorries, trailers and other associated equipment. At the time of writing, the applicant was still occupying the land subject to the current appeal and is in breach of the 2017 Injunction.

## 2. **Development Plan**

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

- LO1 (Flooding)
- HO6 (Sites for Gypsies and Travellers)
- HO7 (Sites for Travelling Showpeople)
- EN1 (Design of New Development)
- EN8 (Protecting and Improving the Landscape and Biodiversity)

2.2 It is also considered that the following saved Local Plan policy is relevant to this proposal:

- GB1 (Green Belt)

## 3. **Relevant Planning History**

10/00204/ENF	Enforcement Notice against the change of use of the land to a mixed use of open land and the siting of mobiles homes, caravans, and metal storage containers	Enforcement Notice issued 10/08/2012
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*(Officer note: this relates to land to the west and south of the application site)*

SP16/010702/ SCC	Certificate of Lawful Use or Development for the deposit of at least 18 inches of topsoil on the land.	Refused 16/09/2016 Appeal Dismissed 04/10/2017
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*(Officer note: this application relates to land to the west and south of the application site. The application was determined by Surrey County Council)*

14/01266/FUL	Provision of 11,400 square metres of hard-standing, siting of 8 mobile homes and the storage of vehicles and equipment to be used as a site for travelling showmen.	Refused 05/03/2015
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*(Officer note: this application related to the land immediately to the west and north of the current planning application, which is owned by the applicant)*

- 3.1 The above planning application was refused for 3 separate reasons:
- 1) The development represents inappropriate development in the Green Belt for which no very special circumstances have been demonstrated. It will result in the site having a more urban character, will diminish the openness of the Green Belt and conflict with the purposes of including land within it. It is therefore contrary to Policy GB1 of the Spelthorne Borough Local Plan 2001, Policy HO7 of the Core Strategy and Policies DPD 2009, and Section 9 (Protecting Green Belt Land) of the Government's National Planning Policy Framework 2012.
  - 2) The site is located within Flood Zones 2, 3a and 3b and is entirely surrounded in the wider area by Zones 3a/3b, and the provision of the mobile homes which are a 'highly vulnerable development' would be inappropriate and would place the new occupants at unacceptable risk from flooding. Furthermore, the applicant has failed to demonstrate that the import of material to create the proposed hardstanding will not have an adverse impact on flood risk. The development is therefore contrary to Policy LO1 of the Core Strategy and Policies DPD 2009, the Supplementary Planning Document on Flooding 2012, and Section 10 of the National Planning Policy Framework 2012.
  - 3) No ecological surveys have been submitted with the application and it is not therefore possible to ascertain the full impact of the proposal on any protected species. The proposal is therefore contrary to Circular 06/2005 and Policy EN8 of the Council's Core Strategy and Policies DPD 2009.
- 3.2 As mentioned above, an Injunction has been issued on the land. The Planning Committee agreed to give authority to apply for an Injunction on the 08 March 2017. The Injunction was issued by the High Court on the 25 September 2017.

#### **4. Description of Current Proposal**

- 4.1 The application relates to a piece of land of 0.1 hectares located to the west of Sheep Walk in Shepperton. Up until recently, the land was free of development and comprised trees and other vegetation. The site is owned by Highways England. The site lies within the Green Belt. It is also within an area liable to flood (part Zone 2, part Zone 3a, and part Zone 3b)
- 4.2 The application proposes the retention of existing hardstanding, temporary standing of two residential caravans, associated vehicles and equipment and the tipping of top soil to enable landscaping. However, it is relevant to note that the location of the proposed tipping of topsoil to enable the creation of a landscape strip is located outside the red line of the application site boundary.

#### **5. Consultations**

- 5.1 No consultations were carried out as the application was not made valid.

## **6. Public Consultation**

- 6.1 No neighbour notifications were carried out as the application was not made valid. Neighbours have been subsequently advised of the appeal and invited to make representations to the Planning Inspectorate.

## **7. Planning Issues**

- Principle
- Flooding
- Green Belt
- Human Rights
- Character and Appearance

## **8. Planning Considerations**

### Principle

- 8.1 Policy HO7 of the Core Strategy and Policies DPD (CS & P DPD) deals specifically with sites for travelling showpeople. It states that the Council will safeguard its existing sites for travelling showpeople from alternative uses and will permit additional sites where a need has been identified provided:

- (a) The development is not in the Green Belt and would not have an adverse impact on adjoining properties,
- (b) The site has safe and convenient access to the highway network,
- (c) The development would not be visually intrusive or detrimental to the appearance or character of the area.

- 8.2 The supporting text to Policy HO7 refers to the existing sites for travelling showpeople in the Borough. These are:

- (a) The Orchard, Napier Road, Ashford,
- (b) The Beeches, Grays Lane, Ashford,
- (c) 29 Chatterern Hill, Ashford,
- (d) 201 Feltham Hill Road/11-15 Poplar Road, Ashford.

These are all in the urban area.

- 8.3 Policy E (Traveller Sites in the Green Belt) of the Government's Planning Policy for Traveller Sites August 2015 states that:

*"Inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development. Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances."*



- 8.4 Policy H (Determining Planning applications for Travellers Sites) of the Government's Planning Policy for Traveller Sites August 2015 states that:

*"If a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission. The exception is where the proposal is on land designated as Green Belt; sites protected under the Birds and Habitats Directives and/or sites designated as Sites of Special Scientific Interest; Local Green Space, an Area of Outstanding Natural Beauty, or within a National Park (or the Broads)."*

- 8.5 It is relevant to note that on the 17 December 2015 the Minister of State for Housing and Planning made a Written Ministerial Statement that relates to unauthorised development in the Green Belt. The Ministerial Statement states:-

*"This Statement confirms changes to national planning policy to make intentional unauthorised development a material consideration, and also to provide stronger protection for the Green Belt, as set out in the manifesto.*

*The Government is concerned about the harm that is caused where the development of land has been undertaken in advance of obtaining planning permission. In such cases, there is no opportunity to appropriately limit or mitigate the harm that has already taken place. Such cases can involve local planning authorities having to take expensive and time consuming enforcement action.*

*For these reasons, we introduced a planning policy to make intentional unauthorised development a material consideration that would be weighed in the determination of planning applications and appeals. This policy applies to all new planning applications and appeals received since 31 August 2015.*

*The Government is particularly concerned about harm that is caused by intentional unauthorised development in the Green Belt."*

- 8.6 With regard to the Council's review of their Local Plan and an assessment of travellers/showpeople needs in the Borough, the Council is in the early stages of preparing a new Local Plan and is currently producing and reviewing its evidence base. A new Local Development Scheme has been published, which sets out the timetable for producing the Local Plan, and it is anticipated that the first stage of consultation will commence in April/May 2018 with adoption in September 2020. As part of the plan preparation, the Council has recently appointed consultants Opinion Research Services (ORS) to carry out a Gypsy & Traveller Accommodation Assessment (GTAA). This will ensure that we have the most up to date assessment of need as part of our evidence base. The last assessment undertaken by the Council was part of the North Surrey GTAA between Spelthorne, Elmbridge, Runnymede and Woking Borough Councils published in 2007 and covering the period 2006-2016. This work was undertaken to inform the partial review of the South East Plan before the revocation of Regional Spatial Strategies and pre-dates the

Government's Planning Policy for Traveller Sites 2015. It is anticipated that our latest GTAA will be published in February 2018.

- 8.7 It is relevant to note that Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that "*If regard is to be had to the development plan for the purpose of any determination to be made under the planning acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.*"

### Flooding

- 8.8 Policy LO1 of the CS & P DPD states that the Council will seek to reduce flood risk and its adverse effects on people and property in Spelthorne by not permitting residential development or change of use or other 'more vulnerable' uses within Zone 3a or 'highly vulnerable uses' [*officer note – e.g. mobile homes*] within Zone 2 where flood risks cannot be overcome. The policy also states that the Council will maintain flood storage capacity within Flood Zone 3 by refusing any form of development on undeveloped sites which reduces flood storage capacity or impedes the flow of flood water. It will maintain the effectiveness of the more frequently flooded area (Zone 3b) of the floodplain to both store water and allow the movement of fast flowing water by not permitting any additional development including extensions.
- 8.9 The Council's Supplementary Planning Document (SPD) on Flooding 2012 provides further guidance regarding the Council's policy on flooding. In Table 4 it confirms that caravans and mobile homes are classified as 'highly vulnerable' uses. Paragraph 4.14 refers to 'Dry Islands' – areas of slightly higher ground that will be surrounded by flood water in times of flood. It states that during prolonged periods of flooding those living in these areas may be unable to leave and may require the assistance of the emergency services. Building additional residential properties on land surrounded by 1 in 20 and 1 in 100 flood risk areas will add to the problems a major flood will cause to emergency services and occupants.
- 8.10 The site is located partly within Zone 2, part Zone 3a, and part Zone 3b. The wider area is wholly Flood Zone 3a and 3b, and the areas of the site (and land to the west) within Zone 2 are effectively on a dry island. It is relevant to note that the site is located close to the flood relief arches under the motorway. These enable the build-up of floodwater from the area to the north of the motorway to flow through to the south, including onto the application site. The proposal involves the importation of 1,700 cubic metres of topsoil (10m wide, 1m deep and 170m in length) on land that is free of development. This will effectively result in the raising of the land in Flood Zone 3b causing an unacceptable loss of flood storage capacity.
- 8.11 A Flood Risk Assessment (FRA) has been submitted with the application. The FRA makes the following conclusions:
- The risk of flooding to the land is likely to change as the land is within the River Thames Flood Alleviation scheme.

- The land at Sheep Walk benefits from an extant planning permission enabling the tipping of topsoil to a depth of at least 18 inches to secure its restoration to agricultural land

8.12 It is considered that the proposal will be unacceptable on flooding grounds, and that the application is refused on this basis. A large area of topsoil (1,700 cubic metres) is likely to have the effect of displacing floodwater, which could otherwise be stored on the site. There is no planning permission in place for a River Thames Alleviation Scheme, nor has a planning application been submitted. Consequently, it is not likely at this stage if such a scheme will be implemented. The application for the Certificate of Lawful Use or Development to deposit at least 18 inches of soil on the land was refused by Surrey County Council and dismissed at appeal. The lack of a safe means of escape will place additional pressure on the emergency services in the event of a flood. No evidence has been submitted to demonstrate that there are no other available sites in the Borough or elsewhere in the south-east that can accommodate travelling showmen in a less high risk flood zone.

8.13 The applicant has referred to the Sequential Test and Exception Test in relation this planning application. Paragraphs 100 – 102 of the NPPF sets out the tests for applying the Sequential and Exception Test. Paragraph 101 states that the aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The application site is considered to be at high risk of flooding, particularly as it is largely within Flood Zone 3b, as well as being surrounded by Flood Zone 3b. The applicant has not identified any alternative sites with a lower risk of flooding, nor has he referred to the existing travelling showmen sites in the Borough. It is therefore considered that the Sequential Test has not been applied (or passed) in this case. Paragraph 102 states that if, following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate. For the Exception Test to be passed it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk. A site specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and where possible, will reduce flood risk overall. Even if the applicant were able to pass the Sequential Test (he has not), the proposed development would not pass the Exception Test. It would not provide any wider sustainability benefits to the community. It will introduce mobile homes (highly vulnerable use) to an area surrounded by Flood Zone 3b which would not be safe for the occupants. Furthermore the land-raising caused by the hardstanding would increase flood risk elsewhere.

#### Character and Appearance

8.14 Policy HO7 (Sites for Travelling Showpeople) of the CS & P DPD states that the Council will permit additional sites where a need has been identified provided the development would not be visually intrusive or detrimental to the

appearance or character of the area. Policy EN1 (Design of New Development) of the CS & P DPD states that 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.

- 8.15 Up until recently, the site was free of development and comprised trees/shrubs and other vegetation. It is considered that laying of the site with hardstanding and the stationing of residential caravans, large vehicles and other associated equipment causes significant harm to the character and appearance of this rural area. The development is in a prominent location next to the carriageway of Sheep Walk and it is considered to be visually intrusive and fails to make a positive contribution to the street scene.

### Green Belt

- 8.16 The site is located within the Green Belt. Section 9 of the NPPF sets out the Government's policy with regard to protecting Green Belt Land. It states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The policy is similarly reflected in the Council's Saved Local Plan Policy GB1.
- 8.17 It is considered that the retention of hardstanding and stationing of residential caravans, and associated vehicles and equipment constitutes inappropriate development in the Green Belt. It is also considered that the importation of top soil constitutes inappropriate development. The proposal does not fit into any of the exceptions stipulated in Paragraphs 89 and 90 of the NPPF. Paragraph 89 relates to the erection of buildings in the Green Belt. None of the development subject to the planning application/appeal involves the construction of new buildings. With regard to Paragraph 90, this does state that *engineering operations* can be considered as 'not inappropriate' development in the Green Belt, provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt. However, the proposed hardstanding and tipping of topsoil (which are engineering operations) are considered not to preserve the openness of the Green Belt (they also conflict with the purposes of the Green Belt) and they do not fit into the exceptions set out in Paragraph 90 of the NPPF. The Government's Planning Policy Document March 2012 confirms in paragraph 14 that traveller sites (temporary or permanent) in the Green Belt are inappropriate development.
- 8.18 Up until recently, the site was free of development. The proposal results in a substantial loss of openness of the Green Belt. An area of 0.1 hectares is laid with hardstanding, which in itself causes a significant loss of openness. The provision of the hardstanding will enable the parking of vehicles, the stationing of equipment and the installation of the 2 no. residential caravans, all of which will cause a further substantial loss of openness. It is considered that the loss of openness within the site is harmful and contrary to Green Belt policy, and

weighs heavily against the merits of the development. I would also conflict with the purposes of the Green Belt. In particular, it would not comply with the purposes of preventing neighbouring towns merging together and assisting in safeguarding the countryside from encroachment. This is in addition to the substantial harm caused by the development being, by definition, inappropriate development in the Green Belt.

- 8.19 It is also considered that the proposal will harm the visual amenities of the Green Belt. Whilst the eastern boundary of the site where it adjoins Sheep Walk is lined by a hedge and embankment, there will be views into the site from Sheep Walk and Chertsey Road. The development will be visible from the bridge over the motorway, and from the motorway itself. It will also be seen through the access to the site.
- 8.20 The NPPF states that "*As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.*"
- 8.21 It is relevant to note that the applicant has not made any assessment of available sites in the urban area, which could be presently acquired. As noted above, there are 4 existing travelling showmen sites within Borough that are located within the urban area. However, no evidence has been submitted with the application.
- 8.22 The applicant has put forward some considerations in their covering letter to the planning application and in their statement of case for the appeal, which they consider justifies the development in the Green Belt. These are summarised below: -
- It is understood that large areas of damaged Green belt are to be removed from Flood Zones 2 and 3 by the Environment Agency as a result of the River Thames Flood Alleviation Scheme.
  - It is apparent from a Land Registry document that developers have been assured that land that forms part of the Sheep Walk complex is to be removed from the Metropolitan Green Belt
  - The land benefits from a planning consent in the 1950's enabling tipping of at least 18 inches of topsoil to support vegetation growth. The land is about 1.5 metres lower than it was prior to its excavation as sand/gravel pits and it being used as a tip. If the engineering works are undertaken there would be an impact on the Lower Thame Flood Alleviation Scheme, and there would be increases in the probability of flooding affecting other properties.
  - The applicant is unable to identify alternative accommodation.

- The land is not subject to any enforcement notice or Injunction, and there is existing hardstanding. The hardstanding appears to have been laid when the land was used as a tip.

8.23 I give no weight to the appellant's justification for permitting the development in the Green Belt and do not consider the points made constitute "very special circumstances". I respond to each of the applicant's considerations as set out below:-

- There is no planning permission in place for the River Thames Flood Alleviation Scheme. No planning application has been submitted and there is no likelihood at this stage that the scheme will be implemented.
- As part of the local plan review presently under way, a Green Belt assessment of the Borough was undertaken in October 2017. This shows that the appeal site and surrounding land is performing strongly in two purposes; to prevent neighbouring towns from merging and to assist in safeguarding the countryside from encroachment.
- As mentioned in Section 3 of this report, an application for a Certificate of Lawful Use or Development for the deposit of at least 18 inches of topsoil on the land was refused by Surrey County Council in 2016. A subsequent appeal was dismissed in 2017. The 1950's planning permission is spent and any tipping of topsoil to raise the level of the land would be unauthorised.
- The applicant has provided no evidence to demonstrate that there are no other possible sites in the urban area that could be privately acquired in Spelthorne and the South-East. There are some existing travelling showmen sites in the Borough but the applicant has not referred to them. In any case, the Government has confirmed that personal circumstances and unmet need for traveller sites is unlikely to outweigh harm to the Green Belt and other harm to constitute the "very special circumstances" justifying inappropriate development in the Green Belt.
- As mentioned in Section 3 of this report, the site is subject to an Injunction and the applicant is in breach of it. The hardstanding subject to this application/appeal has been in existence for much less than the 4 year immunity limit and is unauthorised.

8.24 In assessing this application it is necessary to weigh up the merits of the scheme against the harm to the Green Belt, together with any other harm. Other harm has been identified in terms of flood risk and impact on the character and appearance of this rural area. As mentioned above, the scheme is unacceptable on this particular issue and substantial weight should be applied, in addition to the substantial weight given in Green Belt terms.

8.25 To conclude, the development constitutes inappropriate development in the Green Belt and this, in itself, weighs heavily against the merits of the scheme. In addition, the proposal results in a reduction in the openness of the Green

Belt, and will harm the visual amenities of the Green Belt. The NPPF para 88 requires 'substantial weight' to be given to any harm to the Green Belt. The development causes 'other harm' (as referred to in Paragraph 88) in terms of flood risk and harm to the character and appearance of the rural area and these issues weigh heavily against the merits of the scheme. The considerations put forward by the applicant are not considered to constitute very special circumstances to weigh against the 'significant harm'. The proposal is therefore contrary to the Section 9 of the NPPF and saved Local Plan Policy GB1.

- 8.26 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 action which involves the loss of residential accommodation. 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. Having considered the proportionality of seeking an injunction requiring the removal of the unauthorised occupants from the land, it is concluded that in all the circumstances the public interest in maintaining effective planning control and protecting the Green Belt outweighs the unauthorised occupants' rights to a private and family life and the interests of the children. In view of the need to enforce planning law for the public good, it is considered that to pursue cessation of the residential use of the land would not contravene the Human Rights Act..

#### Other Matters

- 8.27 It is not considered that the proposed laying of top soil to enable the provision of a landscape strip would cause an unacceptable loss of wildlife habitat. Whilst the area of land to be laid with top soil is located outside the application site, this particular element will not result in any loss of trees or other significant vegetation.
- 8.27 There are no residential properties immediately near to the site and it is not considered that any noise and disturbance from the site could adversely affect any existing dwellings in the area.

### **9. Recommendation**

- 9.1 That had the Council been able to formally determine this application it would have been REFUSED for the following reasons:-
1. The development represents inappropriate development in the Green Belt for which no very special circumstances have been demonstrated. It will result in the site having a more urban character, will diminish the openness of the Green Belt and conflict with the purposes of including land within it. In particular, it would not comply with the Green Belt purposes: to prevent neighbouring towns merging together; and to assist in safeguarding the countryside from encroachment. It is therefore contrary to Policy GB1 of the Spelthorne Borough Local Plan 2001, Policy HO7 of the Core Strategy and

Policies DPD 2009, and Section 9 (Protecting Green Belt Land) of the Government's National Planning Policy Framework 2012.

2. The site is located within Flood Zones 2, 3a and 3b and is entirely surrounded in the wider area by Zones 3a/3b, and the provision of the residential caravans which are a 'highly vulnerable development' would be inappropriate and would place the new occupants at unacceptable risk from flooding. Furthermore, the applicant has failed to demonstrate that the import of topsoil to create the proposed landscape strip will not have an adverse impact on flood risk. The development is therefore contrary to Policy LO1 of the Core Strategy and Policies DPD 2009, the Supplementary Planning Document on Flooding 2012, and Section 10 of the National Planning Policy Framework 2012.
3. The siting of the residential caravans, laying of hardstanding and other associated development results in a loss of vegetation in this rural location, would be visually intrusive, and would cause significant harm to the character and appearance of this rural area, contrary to Policies HO7 and EN1 of the Core Strategy and Policies DPD 2009.



# Planning Committee

13 December 2017



<b>Title</b>	Development Management Performance
<b>Purpose of the report</b>	The purpose of this report is to advise the Committee Members on the Development Management (DM) performance over the past two years and inform councillors of recent government announcements in respect of possible changes to the planning system affecting DM.
<b>Report Author</b>	Esmé Spinks, Planning Development Manager
<b>Recommendations</b>	It is recommended that the Committee notes the changes the government has made to assessing the performance of local planning authorities.
<b>Executive Summary</b>	<p>Successive governments have assessed Local Planning Authorities (LPA) performance on the speed with which they determine planning applications. The “designation regime” (introduced in 2013) was based on the speed and quality of decisions for major development over a rolling 2 year period. The threshold for speed was initially 30% and for quality, 20%. The speed threshold progressively increased and stood at 50% in 2015 whilst the quality target remained unchanged. Spelthorne has consistently exceeded these targets.</p> <p>The Department for Communities and Local Government (DCLG) has published three recent documents which have a bearing on DM. The threshold for speed has increased to 60% for majors and there is a 70% threshold for non-majors (new measure). The quality threshold for majors and non-majors (new measure) is 10%. Spelthorne has met and exceeded the targets for 2017 and 2018.</p> <p>More recent government policy announcements aim to boost the supply of housing, enable homes to be built faster and encourage higher housing densities within urban locations. A fiscal “stick and carrot” approach is proposed. The proposed 20% increase in planning fees has to be invested in improving the productivity of what is regarded as the nation-wide problem of under-resourced LPA’s. There may also be a further increase in planning fees to assist LPAs in delivering the homes their communities need. The Government has also mooted ideas to link the New Homes Bonus</p>

	<p>(NHB) to housing delivery by LPAs (devolving responsibility for delivery down to the local level).</p> <p>The quality of major development is a target which will be monitored closely due to the relatively few number of major applications received. There is a real risk, in terms of major applications, of exceeding the new 10% threshold. It is imperative the Council has sound reasons to refuse an application, and that these are capable of being defended successfully at appeal. Failure to do so could expose the Council to the real risk of “designation”. Any refusal for housing development has to be fully justified in the light of paragraph 14 of the NPPF due to the lack of a 5 year housing land supply in Spelthorne and the Government’s approach to boosting housing supply and increasing densities of development. The progression of the Local Plan review will play a vital role.</p> <p>Any request for an application to be called into Committee should be only if there is a <i>wider public interest</i>.</p> <p>DM Officers are working within a culture of continuous performance throughout the DM process. An IT software management package which is due to go live shortly, will assist with performance management.</p> <p>Officers and Councillors will benefit from an ongoing continuous training programme to assist with the quality of decision making.</p> <p>It is proposed to include for information planning applications performance statistics in future Planning Committee papers. Councillors will also be updated on the consultation papers referred to in this report as appropriate.</p>
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## 1. Purpose

- 1.1 To advise the Committee Members on Development Management (DM) performance over the past two years and inform councillors of recent government announcements in respect of possible changes to the planning system affecting DM.

## 2. Background

- 2.1 Successive governments have sought to streamline the planning process by setting targets nationally for the speed that Local Planning Authorities (LPAs) determine planning applications. In the late 1990s and 2000s, financial incentives were paid to LPAs who met targets. More recently, the emphasis has been on identifying persistent poor performers, designating them as under performers and then intervening. The Government is now proposing to increase the targets and is consulting on ways to link planning performance with financial incentives.

## 3. The Designation Criteria and Performance

- 3.1 As part of the Growth Agenda, the Growth and Infrastructure Act 2013 saw an introduction to the “designation regime” by measuring performance based on the speed and quality of decisions for major development over a rolling 2 year period. The Department for Communities and Local Government (DCLG) introduced two separate measures to assess the performance of LPAs:

- Speed of determining major planning applications; and
- The extent to which such decisions are overturned on appeal as an indicator of the quality of decisions made by LPAs.

- 3.2 Under the designation regime, no account is taken of the performance in respect of other types of planning applications. Where an LPA is designated as underperforming, applicants *may* submit applications for major applications directly to the Planning Inspectorate to determine, thereby removing the LPA from that decision making process.

Major development is defined as:

Major – More than 10 residential units, dwellings on a site with an area of 0.5 hectares or more, 1,000 sq. m or more of new commercial floorspace or sites with an area of more than 1 hectare.

The other two categories where LPAs are assessed on performance but which do not form part of the current designation regime are:

Minor – Up to 9 residential units, up to 999 sq. m of new floorspace, changes of use

Others – mainly householder schemes

LPAs have a requirement to deal with majors within 13 weeks from the date of receipt and 8 weeks for all other planning applications, unless an extension of time is agreed with the applicant.

- 3.3 The initial designation regime stated that LPAs achieving a determination of 30% or under of major planning applications within 13 weeks are at risk of being designated as under-performing. This has increased over the years to 40% in 2014 and 50% in 2015. The threshold for the quality of major decisions was 20%. Spelthorne has consistently exceeded these targets.
- 3.4 In addition to the designation regime, LPAs are also measured on their performance based on the % of planning applications they determine within 8 or 13 weeks (or within an extension of time agreed with the applicant) as follows:

Majors – 60% within 13 weeks

Minors – 65% within 8 weeks

Others – 80% within 8 weeks

- 3.5 In the year ending September 2017, Spelthorne met all three performance measures as follows:

Table 1

<u>Majors</u>			<u>Minors</u>			<u>Others</u>		
Total	On Target	% on Target (i.e. 60%)	Total	On Target	% on Target (i.e. 65%)	Total	On Target	% on Target (i.e. 80%)
16	13	81	199	152	76	623	539	86

In addition to the above, Spelthorne LPA dealt with 626 other applications) making a total of **1464** decisions.

- 3.6 During the same year ending September 2017, the following decisions were made on other types of applications.

Table 2

<b>Application Type</b>	<b>Total No Determined</b>
Certificate of Lawful Development (Proposed)	207
Certificate of Lawful Development (Existing)	7
Prior Notifications	150
Discharge of Conditions	81
Amended Applications	28
Consultations from adjoining Boroughs	39
SCC Applications	19
SCC Discharge of Conditions	5
TPO Applications	62
TCA Applications (Trees in Conservation Areas)	21
Telecom applications	7
<b>TOTAL</b>	<b>626</b>

3.7 In addition, the LPA dealt with:

- 49 planning appeals,
- 5 enforcement appeals,
- 459 planning enquiries involving a written response and / or meetings
- 401 enforcement cases (2016).

#### 4. Recent Government Announcements

4.1 The DCLG has published three recent documents which have a bearing on the way DM performance is, or may be, assessed. In addition, DM was referenced in the recent budget statement on 22 November 2017.

Improving Planning Performance: Criteria for Designation (Revised 2016)

4.2 The Housing and Planning Act 2016 changed the designation regime to widen the definition of the applications to be included and to raise the bar on the thresholds LPAs would be required to meet with effect from 2017.

4.3 The performance of LPAs in determining major and non-major development is to be assessed separately, meaning that an authority could be “designated” on the basis of its performance on major development, on non-major development, or both. These two categories will be assessed against two separate measures of performance:

- The speed applications are dealt with measured by the proportion of applications that are determined within the statutory time or an agreed extended period; and,
- The quality of decisions measured by the proportion of decisions on applications that are subsequently overturned at appeal

4.4 Consequently, the performance of LPA's will be assessed separately against:

- The **speed** of determining applications for **major** development
- The **quality** of decisions made by the authority on applications for **major** development;
- The **speed** of determining applications for **non-major** development;
- The **quality** of decisions made by the authority on applications for **non-major** development.

4.5 The Secretary of State will decide once a year whether any "designation" should be made or lifted. If an LPA is at risk of designation for one or more categories, the DCLG will write to the LPAs requesting any data corrections or exceptional circumstances that would make a "designation" unreasonable. Where an authority is "designated", applicants may apply directly to the Planning Inspectorate for the category of applications (major, non-major or both) for which the authority has been "designated". The exception is where an authority is designated for non-major development, householder applications and retrospective applications. Applicants will not be able to submit these applications to the Planning Inspectorate as these are best dealt with locally. Soon after a designation is made the LPA is expected to prepare an "action plan" addressing areas of weakness that contributed to its under-performance. Appendix 1 contains a flow chart setting out the designation process.

4.6 The following table provides an overview of the thresholds and assessment period for 2017 and 2018 and Spelthorne's performance.

Table 3

<b>Measure and type of Application</b>	<b>2017 Threshold and assessment period</b>	<b>Spelthorne's Performance</b>	<b>2018 Threshold and assessment period</b>	<b>Spelthorne's Performance</b>
Speed of major Development	<b>50%</b> (October 2014 to September 2016)	<b>94%</b>	<b>60%</b> (October 2015 to September 2017)	<b>85%</b>
Quality of major Development	<b>N/A</b> quality is not being assessed in this designation round	<b>N/A</b>	<b>10%</b> (April 2015 to March 2017)	<b>4.2%</b>
Speed of non-major Development	<b>65%</b> (October 2014 to September 2016)	<b>74%</b>	<b>70%</b> (October 2015 to September 2017)	<b>82%</b>
Quality of non-major Development	<b>N/A</b> quality is not being assessed in this designation round	<b>N/A</b>	<b>10%</b> (April 2015 to March 2017)	<b>1.7%</b>

It can be seen that Spelthorne has met and exceeded all four targets for the two threshold periods.

#### Planning Appeals Decisions

- 4.7 The assessment of the quality of decision making by LPA's is measured by the proportion of decisions on applications that are subsequently overturned at appeal. The current assessment for 2018 is based on planning applications decided between April 2015 to March 2017. The statistics allow for a period of 9 months elapsing following the end of the assessment period to allow time for an appeal to be lodged and decided.

4.8 The appeals relating to Spelthorne for the period in question are attached as Appendix 2. Also attached as Appendix 3, are the appeal decisions relating to enforcement cases although it should be noted that these are not currently used to measure the Council's performance. In summary:

- There were 95 appeal decisions, 77 planning appeals and 18 enforcement appeals. Of these, 60 were dismissed or had a split decision and 35 were allowed.
- One appeal lodged (Brooklands) is undecided and six (two planning and four enforcement appeals) have been withdrawn.
- The number of planning appeals compares with a total of 3056 applications which were determined during this period, resulting in just 1.01% of all planning appeal decisions made being allowed at appeal. It should be noted that the table in Appendix 2 refers to all appeals including adverts, T56 telecoms, amendments to conditions, Certificates of Lawfulness and Listed Building Consents of which there were 10 (5 allowed and 5 dismissed). These do not constitute non-major development as defined in the table above and are not, therefore, currently used by the Government to assess the quality of decision making.
- There were also 17 enforcement appeals lodged during the same period; April 2015 – March 2017. Of these, 14 have been dismissed or had a split decision and 3 have been allowed. These are not included within the quality assessment.

#### Planning Committee Overturns

4.9 Between April 2015 to March 2017 four planning applications were overturned by the Planning Committee. These are summarised in the following table:



Table 4

<b>Planning Application no.</b>	<b>Site</b>	<b>Proposal</b>	<b>Officer Rec  App/ Ref</b>	<b>Cttee Decision  App/ Ref</b>	<b>Appeal</b>	<b>Appeal Decision</b>
16/01593/HOU	19 Clifford Grove Ashford	Erection of an outbuilding (retrospective)	App	Ref	Yes	Allowed
16/00972/FUL	Former Brooklands College Church Road Ashford	366 dwellings, Commercial and D1 floorspace, open space, parking	App	Ref	Yes	Public Inquiry 20 - 23 February 2018
16/01349/FUL	Land to west of 26/28 Peregrine Road & 181 Nursery Road Sunbury	Erection of a detached two-storey building for the purposes of special needs housing (Use Class C2) together with associated entrance gates, access, parking and landscaping.	Ref	App	N/A	N/A
17/00130/HOU	104 Avondale Avenue Staines-upon-Thames	Erection of an outbuilding (retrospective)	App	Ref	Yes	Allowed

4.10 From the table above, it can be seen that three applications were overturned and refused planning permission. Of these, two were allowed on appeal and the third is subject to a public inquiry to commence on 20 February 2018. The application which was approved, was based on a decision that very special circumstances existed to justify development within the Green Belt.

The White Paper, Fixing our Broken Housing Market (February 2017)

4.11 This sets out proposals to tackle the housing challenge the country faces and aims to increase the provision of housing. The White Paper identified four main areas for action:

- a) planning for the right homes in the right places - to make sure enough land is released, best possible use is made of that land, and local communities have more control over where development goes and what it looks like;

- b) building homes faster – where communities have planned for new homes, ensuring those plans are delivered to the timescales expected;
- c) diversifying the market – to address the lack of innovation and competition in the home-building market; and
- d) helping people now – tackling the impacts of the housing shortage on ordinary households and communities.

- 4.12 The Government’s overall aim is to “boost housing supply and in the long term create a more efficient housing market”. One of the ways set out to achieve (a) is to make ‘better use of land for housing by encouraging higher densities where appropriate such as in urban locations where there is high housing demand.’ The second aim focused on increasing the speed of housing delivery. The White Paper also referred to an increase in planning fees to assist Local Planning Authorities in housing delivery (this is referred to in more detail within the next section).
- 4.13 The Government proposes to amend the National Planning Policy Framework early in 2018 to reflect the changes to national policy.

Planning for the Right Homes in the Right Places: Consultation Proposals (September 2017)

- 4.14 This follows on from the housing White Paper, and seeks views on changes to national policy to help LPA’s and communities plan for and deliver the homes they need. The paper outlines a number of measures to assist in homes being built faster. Many of these related to the Local Plan process which is not a matter for the Planning Committee. However, the Government did make recommendations and suggestions relating to Planning Fees.
- 4.15 The Government recognises that there is a significant, nationwide problem of under-resourced LPAs. The White Paper referred to increasing national planning fees by 20% and confirmed that regulations would be brought forward “at the earliest opportunity which, subject to Parliamentary scrutiny, enable local authorities to increase fees.” The requirement is that the additional fee income would be committed to improving the productivity of LPA’s planning departments. The draft regulations were issued in October 2017. This will be the first increase in planning fees since 2012.
- 4.16 The consultation proposals also comment that “fees help to secure the financial sustainability of planning departments, ensuring that the planning system has the right level of skills and capacity to assess and make the important decisions affecting the locality, supporting appropriate local growth and the new homes we are committed to see delivered”. The Paper recognises that “many local planning authorities have to invest additional financial resource into their planning services

to supplement fee income to meet the challenge of delivering new homes.” The Paper makes it clear that the Government wants “to support these authorities, particularly those that need additional specialist skills for, or are incurring additional costs in, undertaking their planning functions to support the delivery of well-designed and attractive new homes for their local area”. The housing White Paper suggested that a further 20% could be applied to those authorities who are “delivering the homes their communities need”. However, it should be noted that there is a national shortage of trained planners and recruitment locally will always be a challenge.

The 2018-19 Local Government Finance Settlement Technical Consultation Paper (September 2017)

- 4.17 In the late 1990s and 2000s, financial incentives in the form of the Housing and Planning Delivery Grant were paid to LPAs who met top-down regional targets which aimed to improve housing delivery. This was replaced in 2011 with the New Homes Bonus (NHB) which aimed to incentivise local authorities to increase their housing supply.
- 4.18 The finance consultation paper covers proposals for the local government finance settlement for 2018-19. Section 3 of the paper deals with possible changes to the NHB. The NHB sought to encourage LPA’s to grant planning permissions for new houses in return for additional revenue. Under the scheme, the Government has been matching the Council Tax raised on each new home built for a period of six years. Local authorities are not obliged to use the NHB funding for housing development. The amount Spelthorne receives is significant and has been used to support the overall Revenue Budget. However, it should be noted that in 2017-2018 the Government reduced the size of the national NHB pot by a third in order to transfer funds towards adult social care. Below are the sums received following its introduction:

2011-2012	£230,000
2012-2013	£541,000
2013-2014	£910,300
2014-2015	£1,218,600
2015-2016	£1,564,400
2016-2017	£1,896,600
2017-2018	£1,530,900
<b>Total</b>	<b>£7,891,800</b>

- 4.19 The Finance Consultation paper considers options for linking future NHB payments to planning effectively for new homes. It is considering “withholding the part of the Bonus from authorities not planning effectively for new homes from 2018-19”. The Government also intend to go further in 2019-20 by possibly linking payment of the bonus to the

"housing delivery test" (a proposed test to ensure that homes are delivered on land allocated in local plans) but this will be subject to further consultation in due course.

4.20 The current proposals suggest the following ways of **possibly** linking the NHB and planning effectively:

1) Under the current scheme, councils receive the same reward for homes granted permission by the authority as they do for development granted on appeal. A 'by unit' methodology would reduce the NHB payment in line with the number of homes allowed on appeal. This would mean that Spelthorne would *only* receive the NHB for the homes *the authority has approved*.

2) An alternative approach looks at the quality of decision making by LPAs as set out in table 3 above. This approach would link NHB allocations to the ratio of successful appeals of residential planning decisions (major and minor) over an annual period. At the time that the NHB allocations are made, the number of successful appeals/appeals allowed by the Planning Inspectorate (PINS) divided by the number of decisions made, in the last financial year, would result in a percentage reduction to be applied to the NHB allocation for the following financial year:

$$\frac{\text{Residential appeals allowed by PINS}}{\text{Residential decisions made by the LPA}} \times 100 = \% \text{ reduction in NHB allocation}$$

#### Summary of Recent Government Announcements

4.21 In the DCLG paper on Improving Planning Performance: Criteria for Designation the overall approach was to widen the definition of the applications to be included within the designation regime and to raise the bar on the thresholds that LPAs will be required to meet. The White Paper, *Fixing our Broken Housing Market* set out proposals to tackle the housing challenge the country faces and is aimed at increasing the provision of housing, to boost housing supply and in the long term create a more efficient housing market.

4.22 The Planning for the Right Homes in the Right Places: Consultation Proposals, outlined a number of measures to assist in homes being built faster. Many of these related to Local Planning, but there was a promise to increase planning application fees which will need to be ring fenced to assist in LPAs meeting the challenge of delivering new homes. The proposals also suggested that a further 20% on the current fee level could be applied to those authorities who are delivering the homes their communities need.

4.23 The 2018-19 Local Government Finance Settlement Technical Consultation Paper considered options for linking future NHB payments to planning effectively for new homes. The options include linking

payment of the NHB to housing land supply or to local housing need, only receiving the NHB for housing granted by LPAs and not those allowed on appeal and/or using the quality of decision making by planning authorities by linking NHB allocations to the ratio of successful appeals to residential planning decisions (major and minor) over an annual period.

#### Budget (22 November 2017)

- 4.24 The Government made a number of announcements concerning planning in the recent budget statement. These include consulting on measures to increase housing density in urban areas and proposals to speed up the development process. It is expected that further details will follow in due course.

### **5. Implications, Risks and Actions for Spelthorne**

- 5.1 The LPA has met and exceeded the new speed targets for both major and non-major developments in both assessment periods; 2017 and 2018. Officers will continue to work hard to ensure these targets are met in the future.
- 5.2 The LPA has also met the new quality targets for both major and non-major developments. However, the quality of major development is a target which officers will have to monitor closely because of the relatively few number of major applications the Council receives. There is a real risk of performance, in terms of major applications, exceeding the new 10% threshold. In the two year period April 2015 to March 2017, the Council received 24 major planning applications, four of which went to appeal and one was allowed. One appeal out of 24 = 4.2%. However, if two appeals had been allowed, the figure would be closer to 10% at 8.4%, whilst three appeals would take the council over the designation threshold to 12.6%. Continuous monitoring against this criterion is essential.
- 5.3 When refusing a planning application, it is imperative that the Council has sound reasons that are capable of being defended successfully at appeal. Failure to do so could expose the Council to the real risk of "designation". The rigorous defence of appeals will continue to require appropriate resources. Any refusal for housing development has to be fully justified in the light of paragraph 14 of the NPPF due to the lack of a 5 year housing land supply in Spelthorne and the Government's approach to boosting housing supply and increasing densities of development.
- 5.4 An up to date plan gives greater certainty to all those involved in the development process and the local community. Decisions based on an up to date plan and Supplementary guidance which is consistent with

the NPPF are more easily defended at appeal. This in turn ensures that the risk designation based on appeals is minimised.

- 5.5 DM Officers will continue to closely monitoring committee overturns, although the number of these has been relatively small. There have been three which have gone to appeal, two non-majors which were allowed and one major appeal where the decision is awaited (Brooklands). All members have recently been reminded of the requirements of the Planning Code and in particular the “call in” procedure. The guiding principle of a “call-in” is that there is a *wider public interest* in the application being considered by the Committee.
- 5.6 The DM Officers are working within a performance plan to achieve a culture of continuous performance throughout the Development Management process.
- 5.7 The DM Service uses Uniform for its computer software to manage the planning application process. It has invested in a software management package known as Enterprise to act as a management tool for planning officers. It is anticipated that the first stage will ‘go live’ shortly with further developments during the first part of next year. This will help officers move towards an agile working practice and reduce paper, better manage the application process, and closely monitor the speed of determination (in particular any agreed extensions of time).
- 5.8 It has always been essential for officers and members to undergo regular planning training, including legislative changes and this is on-going requirement. At the time of writing this report, officers and members will have undertaken training on affordable housing and the viability process with further training planned in the New Year, including design and density (especially on how this can achieved in town centres).
- 5.9 The White Paper and other consultation proposals issued in 2017 have placed a greater emphasis on linking housing delivery with financial rewards or penalties. DM officers will be looking closely at their assessment of residential applications to ensure as many dwellings as possible are provided on site whilst still providing high quality developments which protect the amenity of surrounding dwellings. The proposed external design and density training for officers and members will continue to assist with the quality of decision making. The progression of the Local Plan review also plays an important role, given that the Borough does not have a 5 year housing land supply. Officers and Members will need to be mindful of this whenever they are looking to refuse an application for housing.
- 5.10 It is proposed to include (for information) performance statistics in future Planning Committee papers. Members will also be updated on the consultation papers referred to in this report as appropriate.

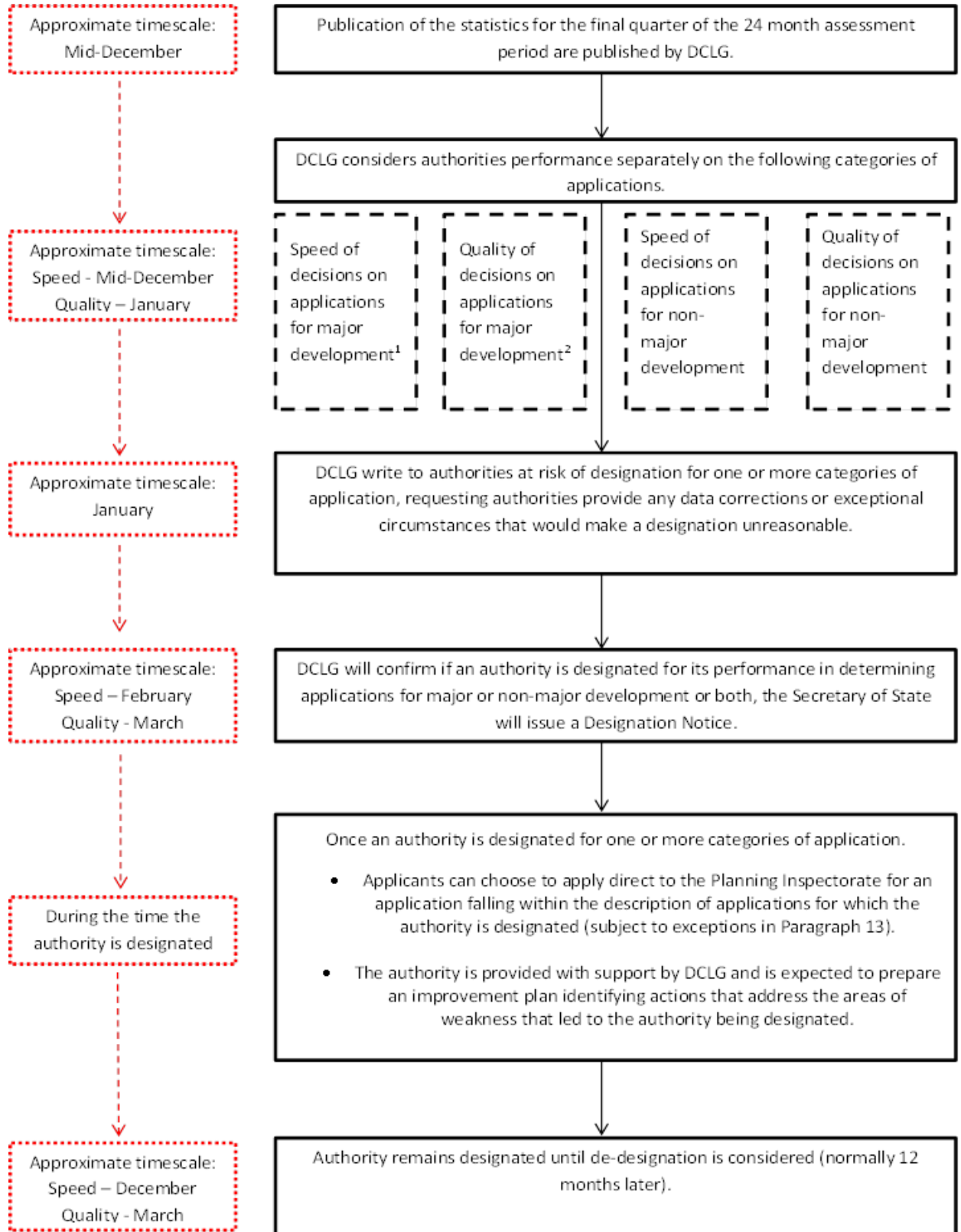
## **6. Recommendation**

- 6.1 It is recommended that the Committee notes the changes the government has made to assessing the performance of local planning authorities.

### List of Appendices

- The Designation Process
- Planning Appeal Decisions for applications determined April 2015 – March 2017
- Planning Enforcement Appeal Decisions for appeals lodged April 2015 – March 2017

# Designation Process



<sup>1</sup> For unitary authorities, both district and county matter applications will be assessed separately.

<sup>2</sup> For unitary authorities, both district and county matter applications will be assessed separately.



Appeal Allowed	
Appeal Dismissed	

APP – Approve

REF - Refused

APPLN NO	ADDRESS	PROPOSAL	RECMNDATN	DECSN	DATE DECN	DATE LODGED	DATE DECN	DECN TYPE
15/00142/HOU	14 Comet Road Stanwell Staines-upon-Thames TW19 7HP	Erection of two storey side extension, single storey front side and rear extensions and conversion of existing detached garage to habitable room.	REF	REF	09/04/2015	28/07/2015	01/10/2015	DISMISSED
15/00248/FUL	136A Chesterfield Road Ashford TW15 3PD	Conversion of existing dwelling into a house of multiple occupancy (HMO) for 8 people involving conversion of garage to habitable accommodation.	REF	REF	20/04/2015	03/11/2015	08/01/2016	ALLOWED
15/00217/HOU	Splash Cottage Parke Road Sunbury On Thames TW16 6BS	Erection of first floor extension, enclosure of existing ground floor balcony and creating larger basement by enclosing walled area	REF	REF	29/05/2015	21/09/2015	09/12/2015	DISMISSED
15/00363/FUL	62 Kenilworth Road Ashford TW15 3EL	Erection of detached bungalow following demolition of existing garage and part ground floor of existing dwelling. Conversion of existing dwelling into 2 houses with associated access and parking, erection of porch.	REF	REF	04/06/2015	13/10/2015	23/12/2015	ALLOWED
14/01944/LBC	25-27 High Street Stanwell Staines-upon-Thames TW19 7JR	Erection of 2 no. 3 bed houses, conversion of existing grade II Listed Building into 2 no. dwellings and erection of detached garage/orangery building, along with associated parking and landscaping following demolition of existing pool house and garage (AMENDED PLANS)	REF	REF	08/06/2015	30/11/2015	26/05/2016	ALLOWED
14/01943/FUL	25-27 High Street Stanwell Staines-upon-Thames TW19 7JR	Erection of 2 no. 3 bed houses, conversion of existing grade II Listed Building into 2 no. dwellings and erection of detached garage/orangery building, along with associated parking and landscaping following demolition of existing pool house and garage. (AMENDED PLANS)	REF	REF	08/06/2015	30/11/2015	26/05/2016	DISMISSED
15/00394/HOU	46 Thames Meadow Shepperton TW17 8LT	The erection of a single storey front porch and roof alterations at the rear that would include raising of the roof height and the installation of a Juliet balcony.	REF	REF	09/06/2015	07/07/2015	02/02/2016	DISMISSED
14/01480/HOU	15 Sunbury Court Island Sunbury On Thames	Retention of existing ancillary outbuilding and associated raised decking.	REF	REF	15/06/2015	14/08/2015	11/04/2016	ALLOWED

APPLN NO	ADDRESS	PROPOSAL	RECMNDATN	DECSN	DATE DECN	DATE LODGED	DATE DECN	DECN TYPE
	TW16 5PP							
15/00439/FUL	38 Willowbrook Road Stanwell Staines-upon-Thames TW19 7AB	Conversion of existing dwelling into 3 no. flats with associated parking and amenity space, and erection of two single storey rear extensions	REF	REF	15/06/2015	18/11/2015	08/01/2016	ALLOWED
15/00277/HOU	15 Sunbury Court Island Sunbury On Thames TW16 5PP	Retention of existing detached outbuilding and associated raised decking.	REF	REF	15/06/2015	14/08/2015	11/04/2016	DISMISSED
15/00598/HOU	48 Richmond Road Staines-upon-Thames TW18 2AB	Erection of part single storey, part two storey rear extension	REF	REF	02/07/2015	03/09/2015	17/12/2015	ALLOWED
15/00691/FUL	218 Stanwell Road Ashford TW15 3QU	Subdivision of existing dwelling to one 1xbed dwelling and one 3xbed dwelling following demolition of existing conservatory.	REF	REF	09/07/2015	03/11/2015	08/01/2016	DISMISSED
15/00748/HOU	37 Harrow Road Ashford TW14 8RT	Erection of a two storey side extension and part two storey part single storey rear extension.	REF	REF	23/07/2015	09/10/2015	26/01/2016	DISMISSED
15/00284/FUL	Land To The South West Of Dolphin Road South And To The Rear Of 170 Windmill Road Sunbury On Thames	Erection of a 45.1metre lattice telecommunications tower together with associated equipment compound (to replace existing tower at Brooklands Close.)	REF	REF	27/07/2015	18/09/2015	11/02/2016	DISMISSED
15/00702/HOU	30 Desford Way Ashford TW15 3AT	Erection of single storey rear extension.	REF	REF	17/08/2015	28/09/2015	04/01/2016	ALLOWED
15/00950/HOU	187 The Avenue Sunbury On Thames TW16 5EH	Erection of first floor side extension, two storey rear extension, loft conversion incorporating side and rear dormer window to create habitable accommodation in the roofspace, erection of single storey rear extension and pitched roof over front porch (amended from previous approved scheme 14/02153/HOU)	REF	REF	25/08/2015	05/11/2015	15/02/2016	ALLOWED
15/01136/FUL	8 Edward Way Ashford TW15 3AY	Erection of two storey side extension and part single story rear extension to create a 2 bedroom self contained unit, installation of solar panels on the side elevation together with associated external and internal alterations including the provision of off street car parking spaces, refuse and cycle stores.	REF	REF	07/10/2015	10/03/2016	19/05/2016	DISMISSED

APPLN NO	ADDRESS	PROPOSAL	RECMNDATN	DECSN	DATE DECN	DATE LODGED	DATE DECN	DECN TYPE
15/00427/FUL	6 Green Lane Shepperton TW17 8DW	Demolition of property and erection of a part three storey/part two storey block of 6 flats, comprising of 4 no. 1 bed and 2 no.2 bed units with associated hard and soft landscaping.	REF	REF	08/10/2015	21/04/2015	07/07/2016	ALLOWED
15/00333/FUL	Land adjoining The Point And Church Island House Church Island Staines-upon-Thames	Change of use of land from a leisure mooring to a residential mooring.	REF	REF	12/10/2015	25/01/2016	01/07/2016	DISMISSED
15/01174/FUL	381 - 385 Staines Road West Ashford TW15 1RH	Erection of 5 no. two bed terraced houses to the front of the site and 4 no. dwellings (comprising 1 no. 2 bed chalet bungalow, 2 no. three bed semi-detached houses and 1 no. four bed detached house) to the rear of the site, all with associated parking, amenity and landscaping. Formation of a new vehicular access to the site, following demolition of existing dwellings and commercial buildings.	REF	REF	23/10/2015	21/04/2016	17/08/2016	DISMISSED
15/01167/HOU	Cockaigne Sandhills Meadow Shepperton TW17 9HY	Erection of part 2 storey and part single storey rear extension, installation of ground floor window and velux roof light in western elevation, installation of rear dormer window with associated railings and provision of rear 200mm raised terrace with hand rails and steps.	REF	REF	26/10/2015	18/01/2016	08/04/2016	DISMISSED
15/01166/HOU	Cockaigne Sandhills Meadow Shepperton TW17 9HY	Erection of single storey rear extension, installation of ground floor window in western elevation, installation of rear dormer window with associated railings and provision of rear 600mm raised terrace with hand rails and steps.	REF	REF	26/10/2015	18/01/2016	08/04/2016	DISMISSED
15/01294/HOU	Willowmead Dunally Park Shepperton TW17 8LJ	Erection of a part two storey, part single storey front extension incorporating a garage at ground floor and bedroom above.	REF	REF	23/11/2015	20/01/2016	12/04/2016	DISMISSED
15/01340/HOU	103 Watersplash Road Shepperton TW17 0EE	Erection of a two storey rear extension, the installation of a ground floor side window and first floor side window within the northern elevation, and the erection of a detached outbuilding following the demolition of the existing detached garage.	REF	REF	04/12/2015	12/01/2016	05/04/2016	DISMISSED
15/01375/HOU	187 The Avenue Sunbury On Thames TW16 5EH	Erection of first floor side extension, two storey rear extension, loft conversion incorporating side dormers of both roof flanks and rear dormer to create habitable accommodation in the roofspace, erection of single storey rear extension and pitched roof over front porch (amended from previous refused scheme)	REF	REF	22/12/2015	12/02/2016	12/05/2016	ALLOWED

APPLN NO	ADDRESS	PROPOSAL	RECMNDATN	DECSN	DATE DECN	DATE LODGED	DATE DECN	DECN TYPE
		15/00950/HOU)						
15/01478/FUL	16 Springfield Road Ashford TW15 2LR	Use of existing dwelling as a house of multiple occupation.	REF	REF	24/12/2015	22/04/2016	17/08/2016	ALLOWED
15/00984/HOU	Brookside 2 Spout Lane Stanwell Moor Staines-upon-Thames TW19 6BN	The erection of a first floor/roof extension that would include a hip to gable alteration within the front elevation and western side elevation and the installation of a dormer within the eastern and western side elevations.	REF	REF	06/01/2016	01/04/2016	13/06/2016	DISMISSED
15/01531/HOU	28 Crescent Road Shepperton TW17 8BN	Erection of a first floor side extension and other alterations to dwellinghouse	REF	REF	11/01/2016	12/02/2016	17/05/2016	ALLOWED
15/01299/OUT	525 Staines Road West Ashford TW15 2AB	Outline Planning permission for the erection of 2 no. semi-detached dwellings (to consider access, layout and scale)	REF	REF	14/01/2016	02/06/2016	10/08/2016	DISMISSED
15/01144/FUL	Land Rear Of 273-275 Laleham Road Shepperton TW17 0DF	Erection of detached bungalow with ancillary parking following demolition of existing garage	REF	REF	20/01/2016	29/09/2016	12/12/2016	DISMISSED
15/01528/FUL	Existing Access To South Of 171 Upper Halliford Road Shepperton TW17 8SN	Alterations to existing access	REF	REF	25/01/2016	06/10/2016	06/01/2017	DISMISSED
15/01706/HOU	Montrose Abbey Road, Off Towpath Shepperton TW17 9JA	Erection of a pitched roof with 3 no. dormers to create first floor accommodation.	REF	REF	10/02/2016	30/03/2016	07/06/2016	ALLOWED
15/01412/FUL	7, 9 And 11 Manygate Lane Shepperton TW17 9EQ	Demolition of existing houses and erection of a new building with three floors of accommodation to provide 16 no. 1 bed and 9 no. 2 bed sheltered apartments for the elderly including communal facilities. Creation of new access, associated parking area and landscaping.	REF	REF	01/03/2016	31/08/2016	12/12/2016	DISMISSED
15/01620/HOU	35 Avondale Avenue Staines-upon-Thames TW18 2PL	Erection of single storey rear extension and enlarged conservatory. Erection of new roof with higher ridge height and 6 no. side facing dormers to provide accommodation in the roof space.	Appeal against condition imposed	Appeal against condition imposed	01/03/2016	17/10/2016	22/12/2017	DISMISSED
15/01670/HOU	13 Station Crescent Ashford	Erection of new dormers in front and rear elevations of roof and enlarged dormer in rear elevation. New porch	REF	REF	02/03/2016	09/06/2016	15/08/2016	SPLIT

APPLN NO	ADDRESS	PROPOSAL	RECMNDATN	DECSN	DATE DECN	DATE LODGED	DATE DECN	DECN TYPE
	TW15 3JJ	with pitched roof over						
16/00135/FUL	The Paddocks Rear Of 237 - 245 Hithermoor Road Stanwell Moor Staines-upon-Thames TW19 6AZ	Siting of static mobile home for one family.	REF	REF	24/03/2016	27/09/2017	27/09/2017	ALLOWED
16/00162/HOU	8 Wychwood Close Sunbury On Thames TW16 7RF	Erection of a part two storey, part single storey rear extension	REF	REF	30/03/2016	27/05/2016	30/08/2016	ALLOWED
16/00001/HOU	15 Stanwell Gardens Stanwell Staines-upon-Thames TW19 7JY	Hip to gable roof alteration with a rear dormer and installation of rooflights in front elevation, as well as erection of a part single, part two storey rear and side extension.	REF	REF	14/04/2016	27/07/2016	06/09/2016	DISMISSED
15/01198/FUL	194A Laleham Road Staines-upon-Thames TW18 2PA	Installation of 36 no. roof vents, solar panels on roof of single storey element to rear of property, change centre window on first floor on east (front) elevation to an opening door and installation of balustrade to allow existing flat roof to be used as a terrace.	REF	REF	22/04/2016	28/02/2017	19/05/2017	DISMISSED
16/00470/HOU	294 London Road Staines-upon-Thames TW18 4JQ	Erection of a single storey rear extension following demolition of existing single storey rear element.	REF	REF	17/05/2016	29/09/2016	24/11/2016	ALLOWED
16/00194/FUL	418 Staines Road West Ashford TW15 1RZ	Erection of a single storey dwellinghouse with basement	REF	REF	27/05/2016	26/10/2016	19/01/2017	DISMISSED
16/00444/FUL	132 Viola Avenue Stanwell Staines-upon-Thames TW19 7SE	Erection of part single storey/ part two storey rear extension to facilitate the change of use of existing dwellinghouse to two self-contained flats.	REF	REF	07/06/2016	26/10/2016	26/01/2017	DISMISSED
16/00638/FUL	103 London Road Staines-upon-Thames TW18 4HN	Erection of an additional floor level to the previously approved scheme (13/01021/FUL) to provide 1 no. two bedroom apartment.	REF	REF	17/06/2016	23/01/2017	01/06/2017	ALLOWED
16/00618/FUL	218 Stanwell Road Ashford TW15 3QU	Subdivision of existing dwelling to one 1 x bed dwelling and one 3 x bed dwelling.	REF	REF	27/06/2016	06/10/2016	12/12/2016	DISMISSED
16/00488/CPD	50 Hogarth Avenue Ashford TW15 1QA	Certificate of lawfulness for the proposed development of loft alterations including a hip to gable alteration, the installation of a rear facing dormer, a single storey rear extension and a detached outbuilding.	REF	REF	27/06/2016	11/01/2017	15/06/2017	DISMISSED

APPLN NO	ADDRESS	PROPOSAL	RECMNDATN	DECSN	DATE DECN	DATE LODGED	DATE DECN	DECN TYPE
16/00460/FUL	81 Garrick Close Staines-upon-Thames TW18 2PH	Insertion of kitchen extraction system and change of use from Use Class A1 (Retail) to Use Class A5 (hot food takeaway)	REF	REF	28/06/2016	26/10/2016	03/02/2017	DISMISSED
16/00746/HOU	57 Rosefield Road Staines-upon-Thames TW18 4NB	Proposed hip to gable roof alteration with a rear dormer and three rooflights in the front elevation to join up with a proposed first floor side extension above the existing side extension	REF	REF	06/07/2016	05/12/2016	27/01/2017	DISMISSED
16/00840/T56	Highway Verge Worple Road Adjacent To Corner Of Hurstdene Avenue Staines	Installation of a 12.5m telecommunications dual user replica telegraph pole and 1 no. equipment cabinet.	REF	REF	14/07/2016	17/10/2016	22/12/2016	ALLOWED
16/00783/FUL	Land Rear Of 59 Vicarage Road Sunbury On Thames	Erection of a two storey, one bedroom dwellinghouse following demolition of the existing garages	REF	REF	19/07/2016	20/01/2017	11/04/2017	DISMISSED
16/00904/FUL	Rear Of 52 Nursery Road Sunbury On Thames TW16 6LG	Proposed conversion of annex building to a two bedroomed two storey house	REF	REF	28/07/2016	26/10/2016	11/01/2017	DISMISSED
16/00579/FUL	Magnolia Ferry Lane Shepperton TW17 9LH	Retrospective application for the retention of an agricultural barn	REF	REF	01/08/2016	12/10/2016	17/01/2017	ALLOWED
16/00890/HOU	38 Vereker Drive Sunbury On Thames TW16 6HF	Erection of a two storey rear extension	REF	REF	03/08/2016	26/10/2016	13/01/2017	ALLOWED
16/00536/FUL	The Boatyard Clarks Wharf Thames Street Sunbury On Thames TW16 5QG	Retention of an open-sided boat and car parking area.	REF	REF	08/08/2016	04/01/2017	14/06/2017	ALLOWED
16/01002/FUL	24 Hannibal Road Stanwell Staines-upon-Thames TW19 7HH	Conversion of existing dwelling into 1 x three bed dwelling and 1 x two bed dwelling with associated parking and amenity space. (amended from previous refusal 15/00980/FUL)	REF	REF	16/08/2016	11/10/2016	14/12/2016	DISMISSED
16/00970/HOU	22 Broomfield Sunbury On Thames TW16 6SW	Erection of detached summer house/log cabin to rear.	REF	REF	19/08/2016	01/11/2016	02/12/2016	DISMISSED

APPLN NO	ADDRESS	PROPOSAL	RECMNDATN	DECSN	DATE DECN	DATE LODGED	DATE DECN	DECN TYPE
16/01194/HOU	13 Montford Road Sunbury On Thames TW16 6EJ	Erection of two storey front extension following demolition of existing porch.	REF	REF	13/09/2016	02/11/2016	30/11/2016	DISMISSED
16/01333/T56	Grass Verge On Northern Side Of Staines Road East Sunbury On Thames TW16 5PU	Installation of a 13.5m high T range column with 4 no. shrouded antennas along with associated ancillary works.	REF	REF	19/09/2016	04/01/2017	24/03/2017	ALLOWED
16/01264/HOU	81 Old Charlton Road Shepperton TW17 8BT	Erection of part two storey, part single storey rear extension and creation of pitched roof over existing flat roof of existing two storey extension.	REF	REF	21/09/2016	01/12/2016	13/01/2017	ALLOWED
16/01162/HOU	5 Cavendish Court Sunbury On Thames TW16 7SH	Erection of two storey side extension.	REF	REF	26/09/2016	04/01/2017	14/02/2017	DISMISSED
16/01641/LBC	Fresh Image Training 13 - 15 High Street Staines-upon-Thames TW18 4QY	Display of advertisement for gym (retrospective) on side wall	REF	REF	21/10/2016	24/07/2017	16/10/2017	DISMISSED
16/01326/FUL	8 - 12 Clarendon Road Ashford TW15 2QE	Demolition of existing buildings and erection of two no. 2 storey blocks comprising 10 flats (4 no. 1 bed and 6 no. 2 bed) together with associated parking and amenity space (amendment to PP ref 15/01106/OUT)	REF	REF	07/11/2016	01/03/2017	26/05/2017	ALLOWED
16/00730/HOU	95 Worples Avenue Staines-upon-Thames TW18 1HY	Erection of a first floor rear extension above the existing extension	NFA	NFA	16/11/2016	20/10/2016	13/01/2017	DISMISSED
16/01529/HOU	77 Thames Side Staines-upon-Thames TW18 2HF	Erection of 2-storey side and rear extensions, formation of new roof to create a 2-storey dwellinghouse, single storey riverside extension, creation of balconies, and erection of detached garage	N/A	N/A	16/11/2016	29/11/2016	21/02/2017	ALLOWED
16/01593/HOU	19 Clifford Grove Ashford TW15 2JS	Erection of an outbuilding (retrospective)	APP	REF	17/11/2016	11/01/2017	13/02/2017	ALLOWED COMMITTEE OVERTURN
16/01790/HOU	84 Groveley Road Sunbury On Thames TW16 7LB	Erection of a first floor extension to provide habitable accommodation, associated roof alterations including raising of the ridge height, re-cladding of existing outer brickwork with red brick, and alterations to ground floor windows	REF	REF	15/12/2016	08/02/2017	21/03/2017	DISMISSED
16/01803/FUL	31 Glebeland Gardens	Erection of two storey side extension to existing dwelling	REF	REF	16/12/2016	25/04/2017	27/07/2017	DISMISSED



APPLN NO	ADDRESS	PROPOSAL	RECMNDATN	DECSN	DATE DECN	DATE LODGED	DATE DECN	DECN TYPE
	Shepperton TW17 9DH	to create a one bedroom maisonette.						
16/01818/RVC	72 Charles Road Laleham Staines-upon-Thames TW18 1JX	Variation of Condition 3 of PA ref 14/01091/HOU to reword the condition regarding the use of the existing outbuilding, to allow it to be used ancillary,(including a bedroom) to the domestic enjoyment of the main house by a family member	REF	REF	21/12/2016	29/03/2017	29/06/2017	ALLOWED
16/00799/FUL	The Wendy Hut 57 Lower Hampton Road Sunbury On Thames TW16 5PR	Erection of building for recreational purposes, following demolition of 3 existing buildings.	REF	REF	03/01/2017	10/03/2017	05/06/2017	DISMISSED
16/01741/CPD	10 Gloucester Crescent Laleham Staines-upon-Thames TW18 1PS	Certificate of Lawfulness for proposed hip to gable roof alteration, rear facing dormer and 4 no. roof lights in front elevation.	REF	REF	11/01/2017	22/02/2017	11/08/2017	DISMISSED
16/01933/HOU	13 Hallows Grove Sunbury On Thames TW16 7LP	Erection of 3 dormer windows in the side elevation in connection with the conversion of the roof space into habitable accommodation.	REF	REF	16/01/2017	05/04/2017	17/05/2017	DISMISSED
16/01940/T56	Petersfield Road Junction With Fenton Avenue Staines-upon-Thames TW18 1DE	Removal of the existing 8m telegraph pole and installation of 10m alpha tower and pogona cabinet and associated development.	REF	REF	24/01/2017	30/05/2017	05/09/2017	ALLOWED
16/01953/T56	Communication Station Adjacent To 2 Worple Avenue Staines-upon-Thames	Replacement of existing 8m monopole and the installation of a 10m Alpha 26 monopole and installation of pogona cabinet and associated development.	REF	REF	25/01/2017	16/05/2017	14/07/2017	ALLOWED
16/01941/FUL	Dockett Cottage Towpath Shepperton TW17 9LL	Erection of a replacement 2 storey dwelling containing 3 bedrooms and a study together with associated alterations (existing dwelling, ancillary guesthouse and garage to be demolished)	REF	REF	30/01/2017	30/05/2017	05/09/2017	ALLOWED
16/00972/FUL	Former Brooklands College Church Road Ashford TW15 2XD	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.	APP	REF  Committee Overturn	13/02/2017	24/08/2017	Public Inquiry to start February 2018	
16/01991/ADV	Land Adjacent To Sunbury Shopping Centre	Display of a free-standing double sided digital advertisement display and associated logo boxes with a	REF	REF	23/02/2017	12/06/2017	14/07/2017	DISMISSED



APPLN NO	ADDRESS	PROPOSAL	RECMNDATN	DECSN	DATE DECN	DATE LODGED	DATE DECN	DECN TYPE
	Staines Road West Sunbury On Thames	maximum height of 17.15m						
17/00130/HOU	104 Avondale Avenue Staines-upon-Thames TW18 2NF	Erection of an outbuilding (retrospective application).	APP	REF	13/03/2017	18/05/2017	23/06/2017	ALLOWED  COMMITTEE OVERTURN
17/00086/ADV	Magna House 18 - 32 London Road Staines-upon-Thames TW18 4BP	Retention of illuminated freestanding totem sign.	REF	REF	21/03/2017	24/05/2017	07/07/2017	DISMISSED
17/00020/HOU	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.	REF	REF	31/03/2017	04/09/2017	17/10/2017	ALLOWED

**Planning Enforcement Appeal Decisions for Appeals Lodged April 2015 to March 2017**

**APPENDIX 3**

<b>Appeal Allowed</b>	
<b>Appeal Dismissed</b>	

APPEAL NO	ADDRESS	PROPOSAL	PROCEDURE	APPEAL REF	DATE LODGED	DATE DECN	DECN TYPE
17/00016/HEAR	124 Hawthorn Way Shepperton	Appeal against serving of an Enforcement Notice for the unauthorised erection of a rear extension including balcony.	Hearing	APP/Z3635/C/17/3166804	06.03.2017	06.07.2017	SPLIT - Appeal Part Allowed/Part Dismissed
17/00009/ENF	22 Thames Meadow Shepperton TW17 8LT	Appeal against serving of an Enforcement Notice for the making of a material change of use of the land and mooring to a mixed use comprising (1) the continuous mooring of a boat for the purpose of permanent residential accommodation (2) the stationing of a caravan on the land for the purpose of human habitation, and (3) storage purposes including but not limited to the storage of motor vehicles, building materials and other paraphernalia.	Written Representation	APP/Z3635/C/16/3162163	26.01.2017	23.10.2017	DISMIS - Appeal Dismissed
17/00001/ENF	The Boatyard Clarks Wharf Thames Street Sunbury On Thames TW16 5QG	Appeal against serving of an Enforcement Notice for the unauthorised development of boat/car store on the land without the benefit of planning permission.	Written Representation	APP/Z3635/C/16/3158151	04.01.2017	14.06.2017	ALLOW - Appeal Allowed
16/00021/WR	Bramble Farm, Land West Of Sheep Walk Sheep Walk Shepperton	Appeal against serving of an Enforcement Notice for Unauthorised development on the land, in particular a metal framework, metal fence panels and gate constructed on previously erected and enforced against metal posts.	Written Representations	APP/Z3635/C/16/3151919	25.07.2016	21.03.2017	DISMIS - Appeal Dismissed
16/00020/WR	Open Field At Junction Of Chertsey Road And Sheep Walk Shepperton	Appeal against serving of an Enforcement Notice for Unauthorised development on the land, in particular (a) Two large metal posts concreted into the ground close to the boundary with Sheep Walk, these were large RSJ type posts of a height, strength and distance apart to form and support a gate. (b) Surface material being scraped back for a distance of approx 200 metres to a width of approx 5 metres, resulting in a wide flat surface commensurate with a prepared route for a roadway (c) the resultant vegetation, soils and other debris were piled to the sides of the scraped area.	Written Representation	APP/Z3635/C/16/3151913	14.07.2016	21.03.2017	DISMIS - Appeal Dismissed
16/00019/ENF	The Paddocks Rear Of 237 - 245 Hithermoor	Appeal against serving of an Enforcement Notice for The unauthorised siting of a static mobile home for residential purposes.	Hearing	APP/Z3635/C/16/3151477	17.06.2016	27.09.2017	ALLOW - Appeal Allowed

APPEAL NO	ADDRESS	PROPOSAL	PROCEDURE	APPEAL REF	DATE LODGED	DATE DECN	DECN TYPE
	Road Stanwell Moor Staines-upon- Thames TW19 6AZ						
16/00014/ENF	7 Bruce Avenue Shepperton TW17 9DP	Appeal against serving of an Enforcement Notice for the unauthorised siting of a large shipping container situated at the front of the property.	Written Representation	APP/Z3635/C/16/3144265	05.05.2016	01.09.2016	DISMIS - Appeal Dismissed
15/00053/ENF	72 Charles Road Laleham Staines-upon- Thames TW18 1JX	Appeal against serving of an Enforcement Notice for Unauthorised use of an outbuilding in the rear garden of the dwellinghouse for primary living accommodation	Written Representation	APP/Z3635/C/15/3140643	18.12.2015	21.09.2016	DISMIS - Appeal Dismissed
15/00049/ENF	Satsun Park Road Shepperton TW17 9LL	Appeal against serving of an Enforcement Notice for Erection of rear and side extension following demolition of toilet and shower building and use of the building as a permanent residential dwelling.	Written Representation	APP/Z3635/C/15/3136493	19.11.2015	23.08.2016	DISMIS - Appeal Dismissed
15/00043/ENF	Beulah Riverside Shepperton	Appeal against serving of an Enforcement Notice for the change of use of the barn style garages from garage purposes into two residential units without planning permission.	Written Representation	APP/Z3635/C/15/3136614	05.11.2015	15.07.2016	SPLIT - Appeal Part Allowed/Part Dismissed
15/00039/ENF	33 School Road Ashford TW15 2BT	Appeal against serving of an enforcement notice for unauthorised use of an outbuilding in the rear garden to the west of the dwellinghouse for primary residential purposes.	Written Representation	APP/Z3635/C/15/3135684	14.10.2015	30.03.2016	DISMIS - Appeal Dismissed
15/00030/ENF	40 Oaks Road Stanwell Staines-upon- Thames TW19 7LG	Appeal against serving of an Enforcement Notice for Hip to gable roof alterations and dormer not built to approved plans	Written Representation	APP/Z3535/C/15/3133209	10.09.2015	31.03.2016	DISMIS - Appeal Dismissed
15/00029/ENF	15 Sunbury Court Island Sunbury On Thames TW16 5PP	Appeal against serving of an enforcement notice for the erection of a single storey outbuilding and the construction of associated raised decking surrounding this outbuilding. Retrospective planning permission 15/00277/HOU was refused on 11 June 2015.	Written Representation	APP/Z3635/C/15/3131286	03.09.2015	11.04.2016	DISMIS - Appeal Dismissed
15/00025/ENF	15 Sunbury Court Island Sunbury On Thames TW16 5PP	Appeal against serving of an Enforcement Notice for the raising of an outbuilding (which had approved planning permission 08/00518/FUL to be at ground level) and the construction of associated raised decking surrounding this outbuilding.	Written Representation	APP/Z3635/C/15/3131028	14.08.2015	11.04.2016	ALLOW - Appeal Allowed
15/00018/HEAR	46 Thames Meadow Shepperton TW17 8LT	Appeal against serving of an Enforcement Notice for Erection of a first floor, rear facing dormer without planning permission.	Written Representation	APP/Z3635/C/15/3017906	23.06.2015	02.02.2016	DISMIS - Appeal Dismissed
15/00015/HEAR	7 Maxwell Road Ashford	Appeal against serving of an Enforcement Notice for the erection of a detached building in the side garden to the north of the dwellinghouse without planning permission.	Hearing	APP/Z3635/C/15/3008291	16.04.2015	03.11.2015	DISMIS - Appeal Dismissed

APPEAL NO	ADDRESS	PROPOSAL	PROCEDURE	APPEAL REF	DATE LODGED	DATE DECN	DECN TYPE
	TW15 1RL						
15/00011/ENF	Haroldene Towpath Shepperton	Appeal against serving of an Enforcement Notice for the carrying out on the land of building, engineering, mining or other operations at variance to planning permission 14/00878/FUL.	Written Representation	APP/Z3635/C/15/3005234	08.04.2015	18.11.2015	DISMIS - Appeal Dismissed

**PLANNING APPEALS****LIST OF APPEALS SUBMITTED BETWEEN 3 NOVEMBER AND 30 NOVEMBER  
2017**

<b><u>Planning Application Number</u></b>	<b><u>Inspectorate Ref.</u></b>	<b><u>Address</u></b>	<b><u>Description</u></b>	<b><u>Appeal Start Date</u></b>
17/00201/HO U	APP/Z3635/D/1 7/3184216	5 Upper Halliford Road Shepperton	Creation of vehicle access	03/11/2017
17/00365/FUL	APP/Z3635/W/ 17/3176212	Hamiltons Pitch Sheep Walk Shepperton	Retention of existing hardstanding, temporary standing of two residential caravans, associated vehicles and equipment, and tipping of top soil to enable landscaping.	09/11/2017
17/00976/HO U	APP/Z3635/D/1 7/3184600	19 Commercial Road Staines-upon- Thames	Erection of roof alterations to include two side facing dormers.	09/11/2017

**APPEAL DECISIONS RECEIVED BETWEEN 3 NOVEMBER AND 30 NOVEMBER  
2017**

<b>Site</b>	London Irish Rugby Football Club The Avenue Sunbury On Thames
<b>Planning Application No.:</b>	16/01357/FUL
<b>Proposed Development:</b>	(Replacement of 4 no. detached 5 bedroom dwellings and) construction of 24 no. flatted residential units, parking, landscaping and associated works.
<b>Appeal Reference:</b>	APP/Z3635/W/17/3175192

<b>Appeal Decision Date:</b>	03/11/2017
<b>Inspector's Decision</b>	The appeal is allowed and a partial award against the Council granted.
<b>Reason for Refusal</b>	The proposed development, which is in a prominent location when entering the site through the southern access via The Avenue, would, by reason of the location and the scale, massing and height of the building, represent an overdevelopment of the site which would be out of character with and have an unacceptable impact on, the surrounding locality and would fail to make a positive contribution within the street scene, contrary to Policy EN1(a) of the Council's Core Strategy and Policies DPD 2009.
<b>Inspector's Comments:</b>	<p><u>Planning Application</u></p> <p>The Planning Inspectorate determined that the main issues were the effect of the development on the character and appearance of the area and the provision of affordable housing.</p> <p>The Inspector acknowledged that the site has been largely redeveloped for housing and that the character of the area was that of a modern housing site. He concluded that the proposed building would appear as an overly large block, compared with the surrounding residential development. Whilst the architectural detailing would help break up the mass of the roof and the building as a whole, it would nevertheless appear overtly dominant.</p> <p>In coming to this view he acknowledged that the overall harm was not significant, but was contrary to Policy EN1 of the Core Strategy.</p> <p>The Inspector recognized the need for affordable housing and identified the agreement for a financial contribution which was in place. He therefore concluded that the proposal met Policy HO3 of the Core Strategy.</p> <p>However, the Inspector acknowledged that the Council does not have 5 year land supply and therefore the National Planning Policy Framework must carry significant weight regarding the granting of planning permission, unless the adverse impacts significantly and demonstrably outweigh the benefits.</p> <p>Although the Inspector recognized that the development would give rise to some harm and that the environmental benefits were limited, he concluded that there was significant social benefit from the provision of housing, given the shortfall in the Council's 5 year land supply.</p> <p>Taking all matters into consideration the Inspector allowed the appeal.</p>

Costs Application

The Inspector determined that no unreasonable behavior occurred in respect of the decision that the proposal was contrary to Policy EN1 of the Core Strategy and that the process coming to this decision was reasonable.

However, he concluded that inadequate consideration was given to balancing the requirements of the National Planning Policy Guidance regarding the provision of housing and as result caused the appellant unnecessary expense.

As a result, unreasonable behavior, as described in the PPG, had been demonstrated and therefore a partial award of costs was justified.

**FUTURE HEARING / INQUIRY DATES**

<b>Council Ref.</b>	<b>Type of Appeal</b>	<b>Site</b>	<b>Proposal</b>	<b>Case Officers</b>	<b>Date</b>
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
16/00323 /ENF/A	Public Inquiry	Land rear of Gleneagles Close, Stanwell	The material change of use of the land from agricultural land to a timber and fencing builder's merchants/business with associated storage of materials in connection with that use.	RJ	TBA

Council Ref.	Type of Appeal	Site	Proposal	Case Officers	Date
17/00365 /FUL	Hearing	Hamiltons Pitch Sheep Walk Shepperton	Retention of existing hardstanding, temporary standing of two residential caravans, associated vehicles and equipment, and tipping of top soil to enable landscaping.	PT	23/01/2017