



Please reply to:

Contact: Christine Curtis
Service: Committee Services
Direct line: 01784 446240
E-mail: c.curtis@spelthorne.gov.uk
Date: 18 June 2018

Notice of meeting

Planning Committee

Date: Wednesday, 27 June 2018

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

Members are reminded that a development session will be held after the conclusion of the Planning meeting.

To the members of the Planning Committee

Councillors:

R.A. Smith-Ainsley (Chairman)	S.M. Doran	N. Islam
H.A. Thomson (Vice-Chairman)	Q.R. Edgington	M.J. Madams
C. Barnard	T.J.M. Evans	S.C. Mooney
I.J. Beardsmore	M.P.C. Francis	D. Patel
S.J. Burkmar	A.L. Griffiths	R.W. Sider BEM

Spelthorne Borough Council, Council Offices, Knowle Green

Staines-upon-Thames TW18 1XB

www.spelthorne.gov.uk customer.services@spelthorne.gov.uk Telephone 01784 451499

Call Over Meeting

Guidance Note

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

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

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

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

Planning Committee meeting

Start times of agenda items

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

Background Papers

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

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

AGENDA

Page nos.

- 1. Apologies**
To receive any apologies for non-attendance.
- 2. Minutes** **5 - 10**
To confirm the minutes of the meeting held on 30 May 2018 (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) 18/00599/FUL- 32 Desford Way, Ashford, TW15 3AT. **11 - 20**
 - b) 16/00029/ENF - The Boathouse, 27 Lower Hampton Road, Sunbury on Thames, TW16 5PR. **21 - 28**
- 5. Urgent Items**
To consider any items which the Chairman considers as urgent.

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**Minutes of the Planning Committee
30 May 2018**

Present:

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

Councillors:

C. Barnard	M.P.C. Francis	M.J. Madams
S.J. Burkmar	A.L. Griffiths	R.W. Sider BEM
T.J.M. Evans	N. Islam	

Apologies: Apologies were received from Councillor S.M. Doran, Councillor Q.R. Edgington, Councillor S.C. Mooney and Councillor D. Patel

147/18 Minutes

The minutes of the meeting held on 17 May 2018 were approved as a correct record.

148/18 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

There were none.

149/18 18/00321/FUL - Dolphin House, 140 Windmill Road, Sunbury On Thames, TW16 7HS

Description:

This application sought approval for the erection of a 7th floor on top of the existing main building to create 7 flats and other external alterations including an increase in height of the parapet wall by 850mm and new flat roof to the existing tower.

Additional Information:

The Planning Development Manager advised the committee that since the report was prepared, there had been an update on the housing need assessment for the Borough referred to in the document which had been circulated to all members. This demonstrated that we now have a five year

housing supply based on the Government's draft methodology. This did not have any implications for the recommendation to approve the application, since the proposals accord with the Council's development plan and the NPPF and in particular the requirements to encourage housing developments and the effective use of urban and previously developed land.

Public Speaking:

In accordance with the Council's procedure for speaking at meetings, Bal Heer spoke for the proposed development and raised the following key points:

- He thanked the planning case officer for co-operating with the applicant's team
- Endorsed the officer's recommendation.

Debate:

During the debate the following key issues were raised:

- Increase in density
- Lack of amenity space
- Halliford Park is not nearby
- Query over census data
- No affordable housing offered
- Parking will be available nearby outside working hours
- Concern over construction disruption for existing residents
- Hours of construction should be added to the decision notice
- Design in keeping with the existing building
- Need for Housing

Decision:

The Application was **approved** subject to an additional informative to read as follows:

The applicant is advised that the developer is requested to only work during the following hours:

8.00 am to 6.00pm Monday to Friday,

9.00 am to 1.00pm Saturday and no working on Sunday and public holidays.

150/18 17/01938/FUL - 20 Bridge Street, Staines-upon-Thames, TW18 4TW

Description:

This application sought approval for the demolition of the existing two storey building and erection of a five storey building of 9 self-contained flats with associated cycle parking.

Additional Information:

Since the report was prepared, there had been an update on the housing need assessment for the Borough referred to in the document which was circulated to all members. This demonstrated that we have a five year housing supply based on the Government's draft methodology. This did not have any implications for the recommendation to approve this application,

since the proposals accord with the Council's development plan and the NPPF and in particular the requirements to encourage housing developments and the effective use of urban and previously developed land.

The Council's Conservation Advisor raised no objection on historic building grounds.

The Environment Agency raised no objection and advised that the sequential test and safe access and egress tests should be met as set out in the NPPF. The officers were satisfied with the proposals on flooding grounds subject to the following condition being imposed as recommended by the Environment Agency:

Finished floor levels are required to be set no lower than 16.525 m above Ordnance Datum (AOD).

Reason: To reduce the risk of flooding to the proposed development and future occupants for the lifetime of the development.

The Planning Development Manager advised that condition 9 on page 39 should be amended after "include" on the 3rd line by inserting the following: *"the setting out and"*.

The presenting officer advised the proposed development was for 3 no. 1 bed flats and 6 no. 2 bed flats and the description should be amended accordingly.

Public Speaking:

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

- He was not opposed to development or resistant to change
- The proposal would result in loss of light
- Overbearing impact; dark oppressive tunnel
- Staines Town Society had objected to the scheme.

The Planning Officer advised that the objection by Staines Town Society was included in the report to Committee.

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

- Benefits of the scheme are detailed in the officer's report
- Highly sustainable location
- There is an identified need for housing
- Applicant has amended the scheme to reduce impact on neighbour
- There will be some loss of light but the BRE guidelines are still met
- There is a 4m separation distance
- There will be wide views for neighbours to the east and west
- Contemporary design which is set in
- Conservation Officer has no objection
- Town Centre location; close to bus and train services
- No objection from County Highway Authority

Debate:

During the debate the following key issues were raised:

- Had sympathy for the speaker against the proposal but it would be challenging to sustain a reason for refusal
- The applicant had made an effort to take concerns on board
- Concern expressed regarding proposed materials
- Height concerns
- The design does not enhance Staines conservation area
- No objection to modern building
- Concern over impact on street scene
- Impact on adjoining neighbour to the north
- Loss of daylight and sunlight to neighbour to the north / adverse impact
- Loss of amenity to adjoining properties
- Top floor should be removed
- 25 degree and 45 degree guides should be met
- Have to consider people not at meeting who will benefit from new proposal
- Financial impact on residents

Decision:

The recommendation to approve was overturned and the Application was **refused** planning permission for the following two reasons:

The proposed development would, by reason of its bulk and close proximity to the two top floor flats in the southern elevation of Provident House to the north, result in an unacceptable overbearing impact on these two flats causing a significant harmful impact in terms of loss of daylight and sunlight, contrary to policy EN1 b) of the Spelthorne Borough Core Strategy and Policies DPD 2009 and the Councils Supplementary Planning Document on Design of Residential Extensions and New Residential Development, 2011.

The top floor element of the proposed development would result in a scheme which fails to respect and make a positive contribution to the street scene and character of the surrounding area, contrary to policy EN1 a) of the Spelthorne Borough Core Strategy and Policies DPD 2009.

151/18 Permissions in Principle and Technical Detail Consent Applications

The Planning Development Manager presented a report to the Committee on the introduction of a new form of planning consent which will come into effect from 1 June 2018. It will apply to development where the “main purpose” is housing, but some non-residential development may also be proposed. The application procedure will be restricted to minor development where there is a maximum of up to 9 dwellings, floorspace of under 1,000 square metres or a site area of less than one hectare.

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

152/18 Planning Appeals Report

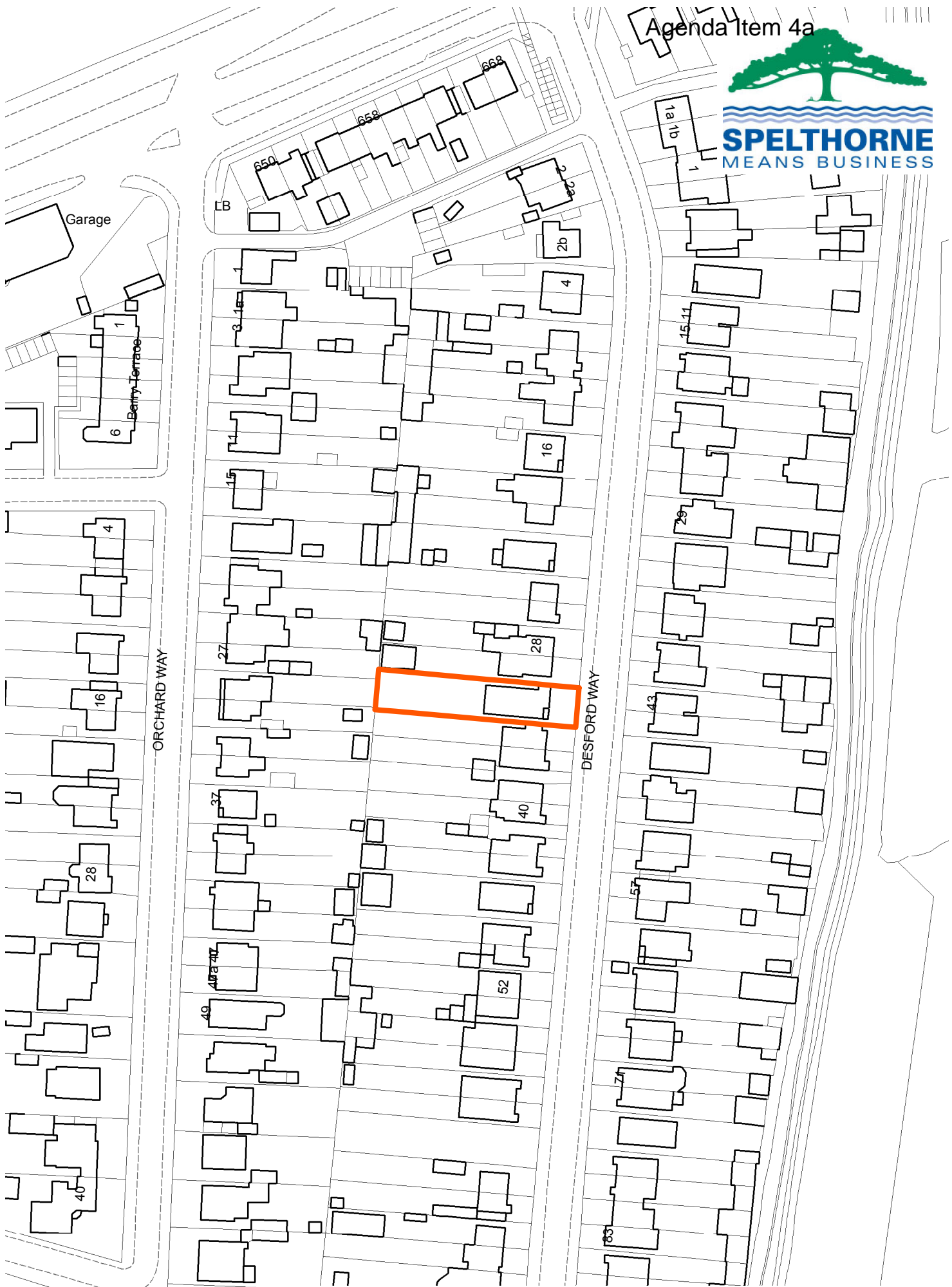
The Chairman informed the Committee that if any Member had any detailed queries regarding the report on Appeals lodged and decisions received since the last meeting, they should contact the Planning Development Manager.

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

153/18 Urgent Items

There were none.

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18/00599/FUL- 32 Desford Way Ashford TW15 3AT.
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Planning Committee

27 June 2018



Application Nos.	18/00599/FUL		
Site Address	32 Desford Way Ashford TW15 3AT		
Proposal	Retrospective application for the use of the property as a HMO for seven residents.		
Applicant	Mr Andrew Lees/ c/o Mr Jorge Nash		
Ward	Ashford North And Stanwell South		
Call in details	<p>This application has been called in by Cllr Mooney on the grounds that:</p> <ul style="list-style-type: none"> • the scheme proposes insufficient internal communal space for 7 occupants • it would cause an adverse impact on the traffic flow and parking provision • The proposal is a significant walking distance from the train station, social and community facilities • The property would not retain the character and appearance of a single family dwelling house 		
Case Officer	Vanya Popova		
Application Dates	Valid: 23.04.2018	Expiry: 18.06.2018	Target: Extension of time agreed.
Executive Summary	<p>This is a retrospective planning application which seeks permission for the use of the property as a House of Multiple Occupation (HMO) to allow accommodation for seven people.</p> <p>According to Schedule 2, Part 3, Class L of the General Permitted Development Order (2015), the property could be used as an HMO for six residents without planning permission and the current proposal requires planning permission as there is one additional resident.</p> <p>It is considered that the proposal would not change the appearance of the area. The hard standing to the front exists and neighbouring front curtilages also have driveways and hardstanding.</p> <p>The main question that needs to be addressed is whether the use change from a small HMO of no more than six residents, which does not require planning permission, to an HMO for seven residents is materially different from that for six residents and is unacceptable on planning terms.</p>		

	<p>It is considered that the noise and general disturbance would not lead to material harm to the living conditions of neighbouring and adjoining properties and as such it would respect the Council's Policy EN11. There have been no complaints to the Planning Enforcement Officers for this use which has existed just over two years.</p> <p>In reviewing the parking provision and highway safety, it is considered that the use of the property as an HMO would include appropriate parking provision. There is provision for four parking spaces on site and there is also available off-site parking provision. The Surrey County Highways Authority raises no objections to the change of use in terms of parking provision and highway safety.</p> <p>In terms of the public transport provision, the application site benefits from a close vicinity of a bus stop and Ashford train station is within walking distance of 1.4 miles. Therefore, it is considered that the current proposal would not conflict with Policy CC3 of the Spelthorne Core Strategy and Policies Development Plan Document (2009).</p>
<p>Recommended Decisions</p>	<p>The planning application is recommended for approval.</p>

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:

- EN1 (Design of New Development)
- EN11 (Development and Noise)
- SP6 (Maintaining and Improving the Environment)
- CC2 (Sustainable Travel)
- CC3 (Parking Provision)
- HO1 (Providing for New Housing Development)

1.2 Also relevant is the National Planning Policy Framework (NPPF) 2012.

2. Relevant Planning History

15/00937/PDH Prior approval notification for a single storey rear extension measure 6.985 metres beyond the rear wall of the original dwellinghouse measuring a maximum of 3 metres in height and a height of 2.8 metres to the eaves.

Approved 07.08.2015

SPE/FUL/88/558 Alterations to existing roof of bungalow to form a new roof incorporating two bedrooms and two

bathrooms/wicks within the roof space measuring 9.85m (32ft 4ins) by 7.15m (23ft 6ins) overall (as shown on drawing No. BB/05).

Approved 27.07.1988

PLAN W/FUL/82/332 Erection of a single-storey rear extension measuring 12 ft. 8 ins. (3.85 m) varying to 23 ft. (7 m) long by 11 ft. 7 ins. (3.53 m) varying to 23 ft. 5 ins. (7.13 m) wide to form a living room.

Approved 30.06.1982

3. Description of Current Proposal

- 3.1 The application site relates to a detached bungalow situated on the western side of Desford Way in Ashford. This residential road comprises a variety of housing types in terms of building heights, form and architecture, with bungalows and two storey houses and detached, semi-detached and terraced properties with relatively large rear gardens. Many of these properties have previously been altered and extended. Many of the front gardens have been entirely altered and laid to hardstanding to facilitate off-street parking.
- 3.2 The northern and southern boundaries of the site are adjacent to two-storey semi-detached dwellings. The application property has a single storey rear extension which measures almost 7 metres in depth granted in 2015 under the Prior Approval route. In addition, the front garden has been laid to hardstanding in order to provide off-street parking spaces for up to four vehicles.
- 3.3 Retrospective planning permission is sought for the conversion of the property to a seven bedroom house in multiple occupation (HMO). The submitted plan and planning statement indicate that four off-street car-parking spaces can be provided on the frontage of the property. In addition, the scheme provides secure space for bicycles to side of property. Internally the dwelling provides 7 no. single occupancy rooms, of which 5 have their own en-suite facilities (with shower and toilet), and a single shared bathroom is used by 2 no rooms. The property also provides a communal kitchen/living space to the rear which is shared by all occupants. The property contains a large rear garden with an existing patio which can be used as an additional communal space. It is relevant to note that the applicant's submission states that this use commenced in April 2016 and there have not been any planning enforcement complaints.
- 3.4 Copies of the site location plan, existing site layout and elevations are provided as an Appendix 1.

4. Consultations

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

Consultee	Comment
Surrey County Council	No objection.

Environmental Health	No objections to make. Makes detailed comments concerning licencing matters.
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5. **Public Consultation**

5.1 A total of nine letters of notification were sent out to neighbouring and adjoining properties. The Council has received one letter of objection regarding the proposal raising the following concerns:

- The size of the kitchen is insufficient for the use of 7 people (*Note: This is not a planning matter*).
- Adequate provision should be provided for cooking and cleaning (*Note: this is not a planning matter*).
- Tenants are unfamiliar about the rules and regulations regarding Tenants' rights in a HMO of more than 6 people (*Note: This is not a planning consideration*).
- It is questioned how the applicant has received a permission for the widening of his driveway as the neighbouring property has received a refusal by the Surrey County Council for the widening of the driveway to allow parking for 3 vehicles (*Note: This is not a planning matter*).
- Impact on the on-street parking provision.
- The Council's SPD on parking provision does not provide guidance on parking provision for HMO properties, but it states that 4+ bed dwellings should provide 2.5 parking spaces and one cycle parking space. The application site is not a large family dwelling as there are 7 people (adults) who are not related.
- The driveway has been constructed with concrete which has no drainage facility.

The Council has also received a letter of representation by the agent acting on the applicant's behalf stating that:

- The property complies with the Standards set out within Spelthorne's 'Landlords guide to standards for Housings in Multiple Occupation'. These issues are covered by the HMO Management Regulations, and are licensing issues.
- Building works were carried out by approved contractors.
- The vehicle crossover access was approved by the Surrey County Council in late 2015. The application site is within walking distance of Ashford Railway Station and near to two bus stops which provide access to the Greater London Bus Network
- The majority of the properties along Desford Way have off-street parking for up to 2 vehicles and there is still available on-street parking.
- The nationality of the occupants and contractors is not a material planning consideration
- Transport policies may have become more restrictive in terms of dropped kerbs and subsequent area of hardstanding but this has no bearing on the lawfulness of these works

6. **Planning Issues**

- Principle and appearance
- Living conditions- occupants

- Amenity of neighbouring and adjoining properties
- Parking provision and Highway Safety

7. Planning Considerations

Principle and Appearance

- 7.1 Under secondary legislation, the Use Classes Order defines use class C3 as a dwelling house (whether or not as a sole or main residence) (a) by a single person or people leaving together as a family, (b) by not more than six residents living together as a single household (other than a use of within Class C4). Class C4 is classified as a house in multiple occupation that is used by not more than six residents as a HMO). Planning permission is not required to move from use class C3 to C4 and *vice versa*. Therefore the property could be used as an HMO for six residents without requiring planning permission. There is, therefore, no 'in principle' objection to the use as an HMO for six persons. However, the question that needs to be addressed is whether the use change from a small HMO of no more than six residents to an HMO for seven residents is acceptable in planning terms.
- 7.2 Desford Way is a residential road comprising a variety of housing types, generally in close proximity to one another and most of which have extended their driveways. On-street parking on both sides of the street is part of the character and appearance of the area.
- 7.3 There is already parking across the whole frontage of the site. The proposal would not result in any changes to the parking arrangements and neither would any external changes to the dwelling be undertaken. The proposal would not, therefore, change the appearance of the area.

Living conditions- current and future occupants

- 7.4 Policy EN1 of the Spelthorne Development Plan - Core Strategy and Policies Development Plan Document (2009) (CS&P DPD) states that proposals should demonstrate that they will achieve a satisfactory relationship with adjoining properties. Paragraph 17 of the National Planning Policy Framework (NPPF) 2012 indicates that one of the core principles in planning should always seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and building.
- 7.5 The property consists of 5 no bedrooms with ensuite bathrooms (with shower, sink and toilet), 2 no bedrooms sharing 1 no bathroom and a kitchen / living room. Outside there is a large private rear garden with patio, front curtilage providing 4 no off-street parking spaces and a secure storage area for bicycles to the side of the property.
- 7.6 At present there are no requirements for the proposal to obtain a licence from Environmental Health (EH) for this proposal although there will be a need from October when new regulations come into force. The bedrooms meet the size

criteria for EH guidance but there is a shortfall of 5 m² for the kitchen/living room. However, these are not planning regulations but those which govern EH licencing. The property benefits from a substantial and well laid out garden space of approximately 272sqm to the rear which provides additional amenity space. Therefore, it is considered that from a planning perspective, the proposal provides acceptable communal space for the proposed seven occupants.

- 7.7 The outlook from the front windows which would overlook the parking area would be very similar to the neighbouring properties with large driveways along Desford Way and as such it is not considered that the loss of outlook from the bedroom front windows would cause significant harm to the occupants of the HMO.
- 7.8 In reviewing the public transport provision in the vicinity of the application site, it should be noted that the site benefits from a bus stop located approx. 170 metres away which is part of Transport for London Network. In addition, the nearest train station is Ashford Train Station, which is operated by South West Trains and it is approximately 1.4 miles away. In addition, it is noted that there are the provision of local shops and other services within the area are located in an acceptable distance.

Impact on neighbouring properties

- 7.9 Policy EN11 of CS&P DPD states that the Council will seek to minimise the adverse impact of noise by requiring developments that generate unacceptable noise levels to include measures to reduce noise to an acceptable level, particularly where they impact on residential development.
- 7.10 The parking provision currently exists and the applicant has provided evidence that adequate on site drainage has been installed. In addition, there are other examples of hard surfacing providing on-site parking within Desford Way. It is also relevant to note that the existing building has been used as an HMO since April 2016 and no complaints have been received by the Planning Department. Therefore it is considered that the use of the property as an HMO for seven residents would not cause unacceptable noise or general disturbance and would not lead to material harm to the living condition of neighbouring and adjoining properties.

Parking Provision and Highway Matters

- 7.11 Desford Way is a relatively long, wide residential street that provides opportunities for substantial off-street parking. The application road and surrounding streets have unrestricted on street parking. In addition, the application site is located on a close walking distance of public transport links.
- 7.12 Policy CC3 states that the Council will require appropriate provision to make for off-street parking in development proposals in accordance with its maximum parking standards.

- 7.13 Surrey County Council, in its role as highway authority, has undertaken an assessment in terms of net additional traffic generation, access arrangement and parking provision and has been satisfied that proposal would not have a material impact on the safety and operation of the adjoining public highway. The Council does not have parking standards for HMOs but there have been recent appeal decisions where Planning Inspectors have considered that relatively low levels of parking to be acceptable. The proposed scheme makes adequate provision for 4 no off-street parking and is acceptable on highway grounds.
- 7.14 The application site has been used as a house of multiple occupation (HMO) accommodating seven people since April 2016 and the current parking provision along Desford Way would not be changed. Furthermore, it is not considered that the increase from six persons which is permitted under permitted development to seven is likely to result in any significant intensification of the use possible under permitted development.
- 7.15 It is therefore considered that it would not conflict with Policy CC3 of the Spelthorne Core Strategy and Policies Development Plan Document (2009).

Other matters

- 7.16 The letter of objection raised concerns regarding the size of the kitchen for seven residents and would seek reassurance that an adequate provision has been provided for cooking and cleaning. The proposed kitchen and living area combined would have a shortfall of some 5 sq m when compared against the Council's Landlords' guide to standards for Houses in Multiple Occupation (HMO) although the kitchen itself and the bedrooms meet the Council's Landlords' guide. These comments are, however, related to licencing rather than planning matters. However, it is understood that the application would need to apply for a licence as from 1 October 2018 and as such would be reviewed by the Council's Environment Health Licencing team.
- 7.17 The neighbouring letter of objection also questions how the application site has approval for widening the drop kerb when the neighbour was refused consent by Surrey County Council. However, this is a matter for the Highway Authority rather than with the Council as planning permission was not required for this.
- 7.18 A final comment has raised concern that the site's existing driveway constructed with a concrete material and there is no provision for on-site drainage. The agent acting on the applicant's behalf has confirmed that on-site drainage provision has been installed in order to ensure it is permitted development and complies within the Class F of the GPDO, 2015.
- 7.19 The application is considered to be acceptable and approval is recommended.

8. Recommendation

8.1 GRANT subject to the following conditions: -

1. The occupation of the HMO hereby permitted shall be limited to a maximum of 7 residents at any time.

Reason:-.To safeguard the amenity of future residents of the property and neighbouring properties.

2. That the parking spaces indicated on Drawing Number DW/32/11 received on 20.04.2018 shall be kept available at all time for the parking of vehicles.

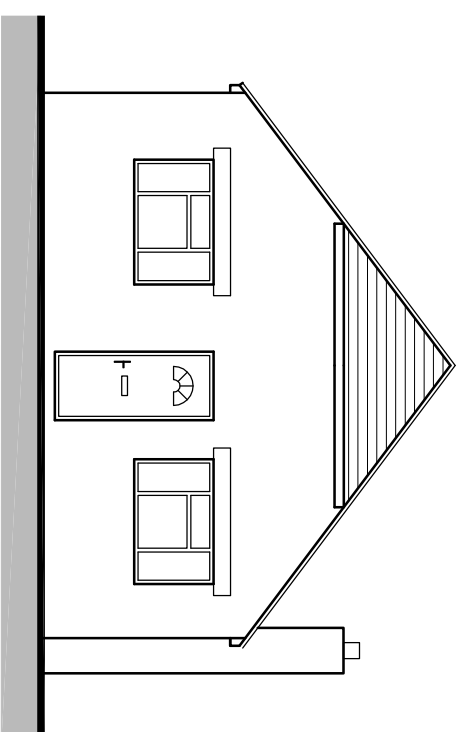
Reason:-. To ensure that the proposed development does not prejudice the free flow of traffic or the conditions of general safety along the adjoining highway(s) and to ensure that facilities provided are reserved for the benefit of the development for which they are specially required.

INFORMATIVES TO APPLICANT

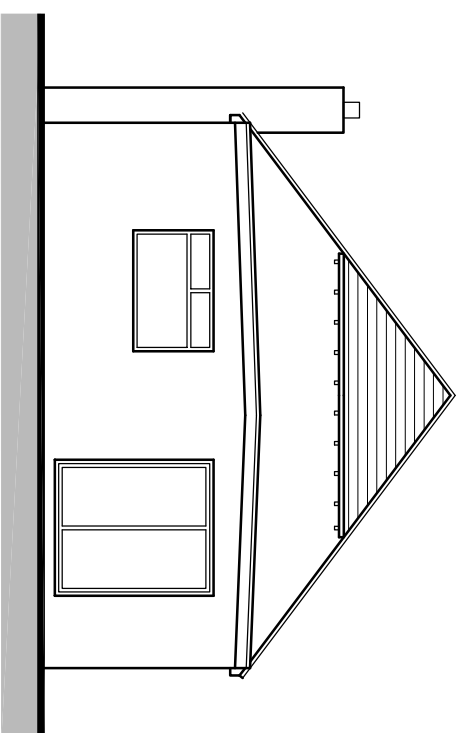
1. In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of paragraphs 186-187 of the NPFF. This included the following: -

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

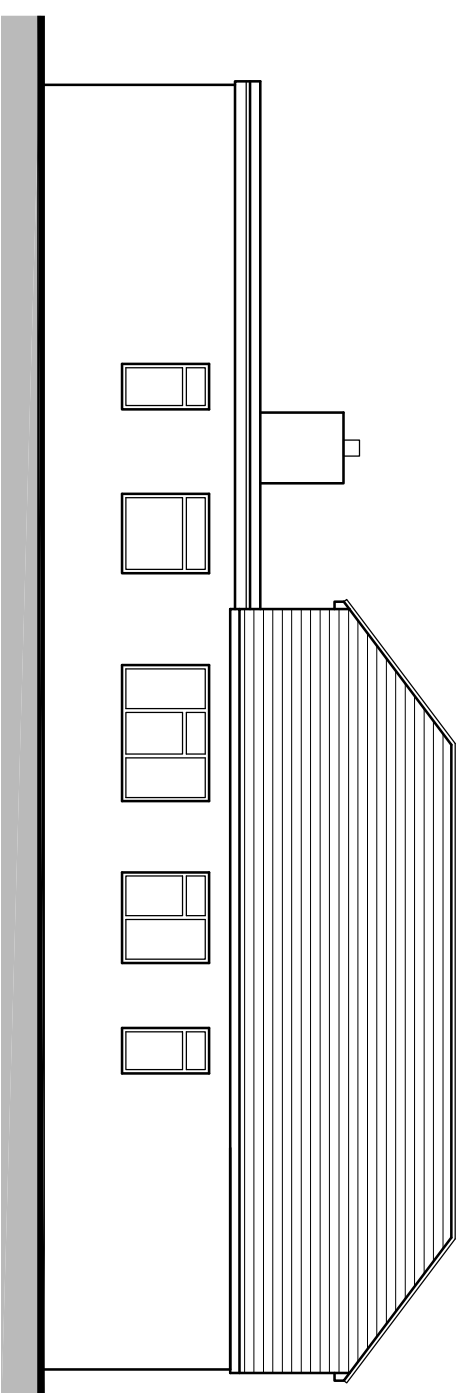
2. The applicant should be aware that the Ministry of Housing, Community and Local Government has announced as from October 2018, the Legislation is changing regarding HMO licensing and it would be an offence for licensable HMO (a HMO that has 5 or more people that form 2 or more households) to operate without a licence. Therefore, the application site would need to apply for a licence as of 01 October 2018.



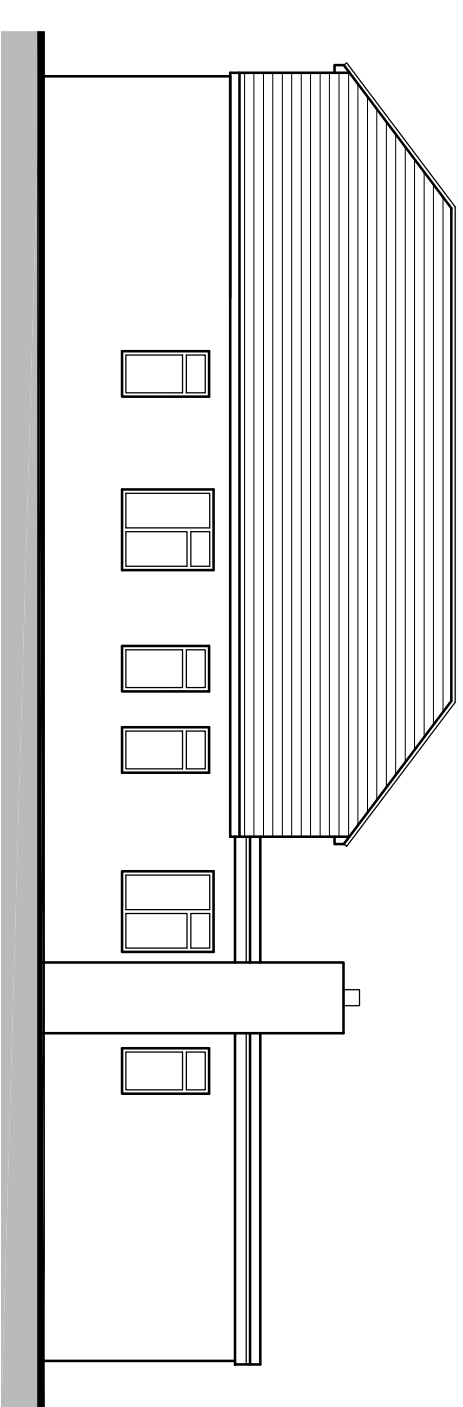
EXISTING FRONT ELEVATION



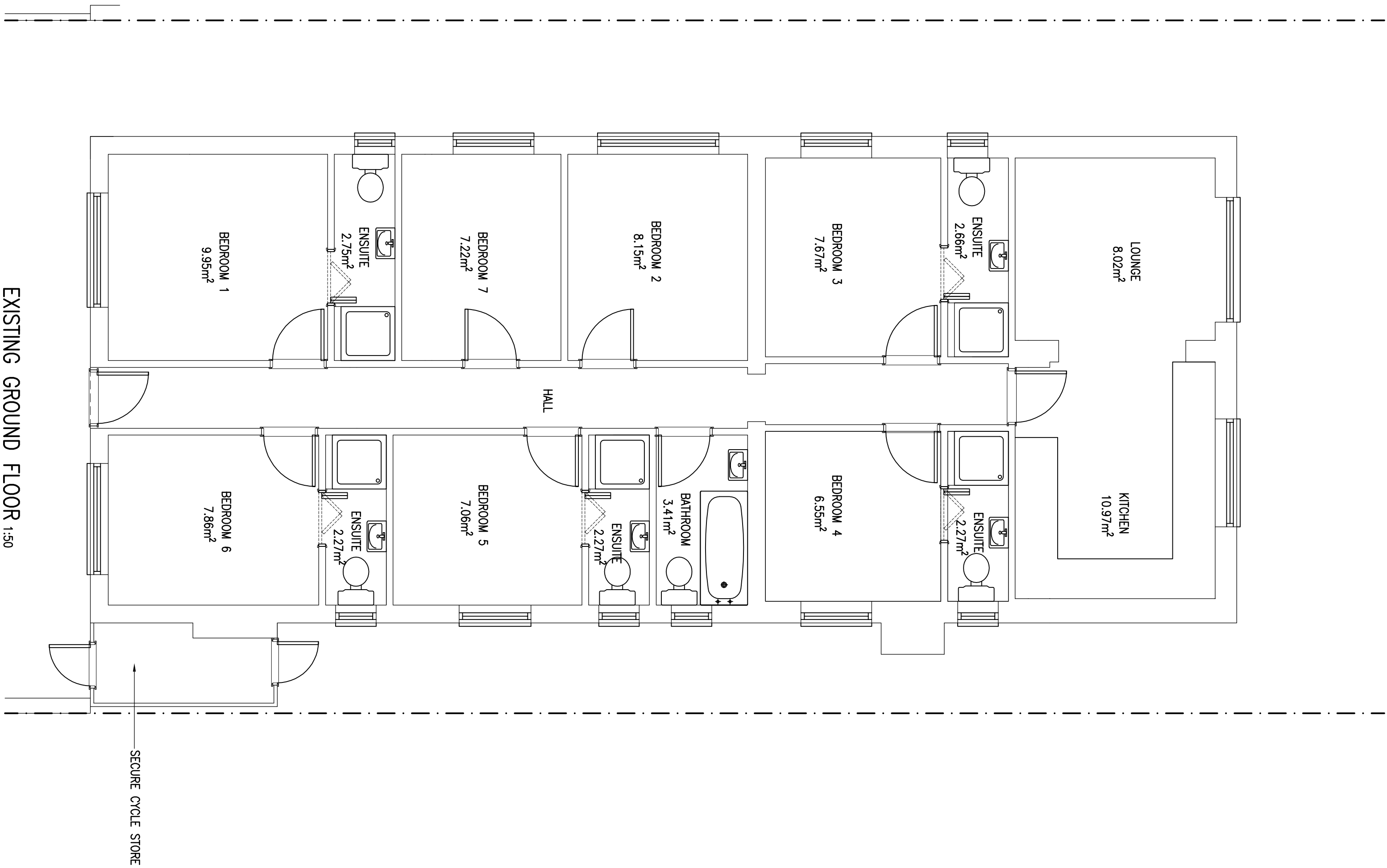
EXISTING REAR ELEVATION



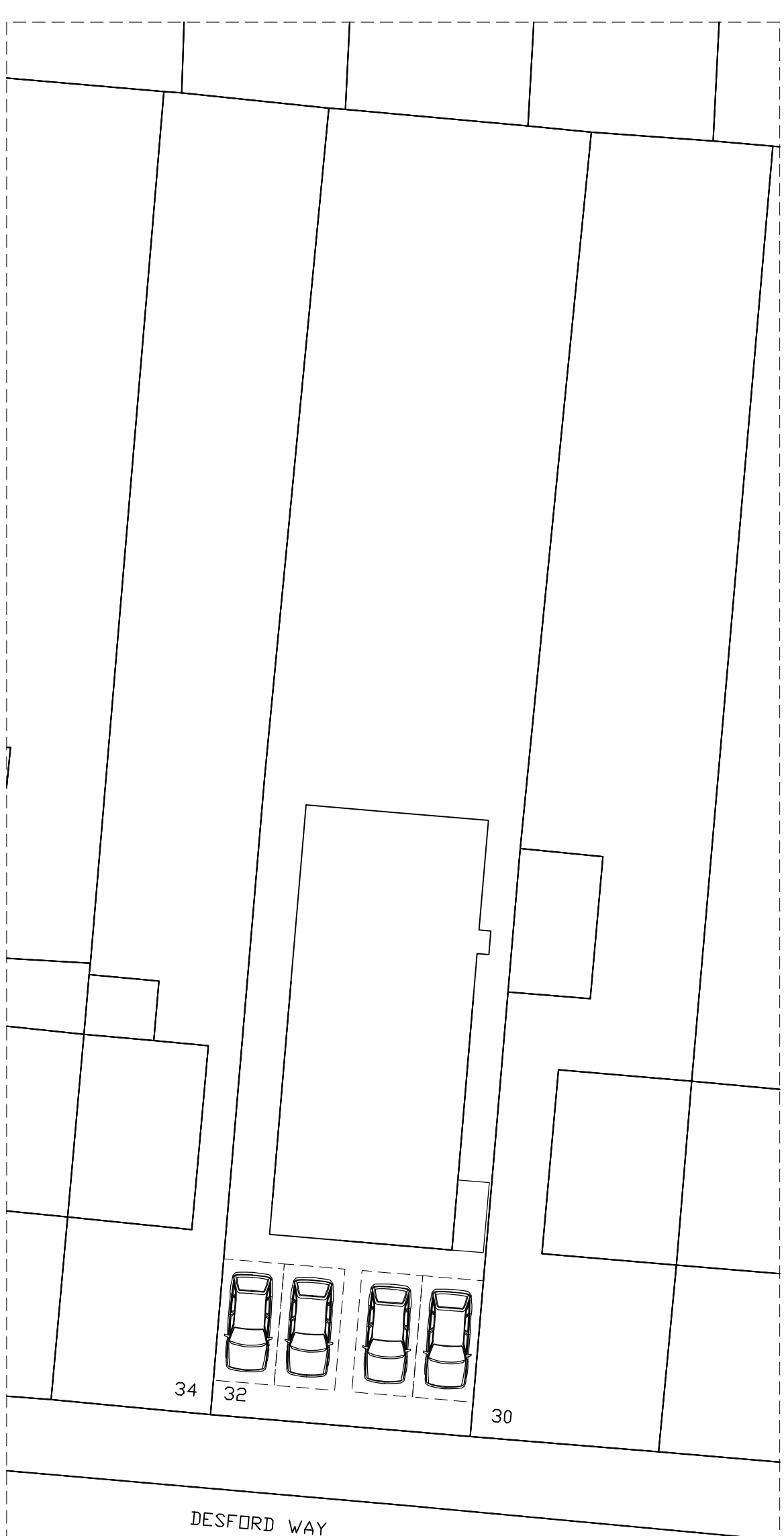
EXISTING SIDE ELEVATION



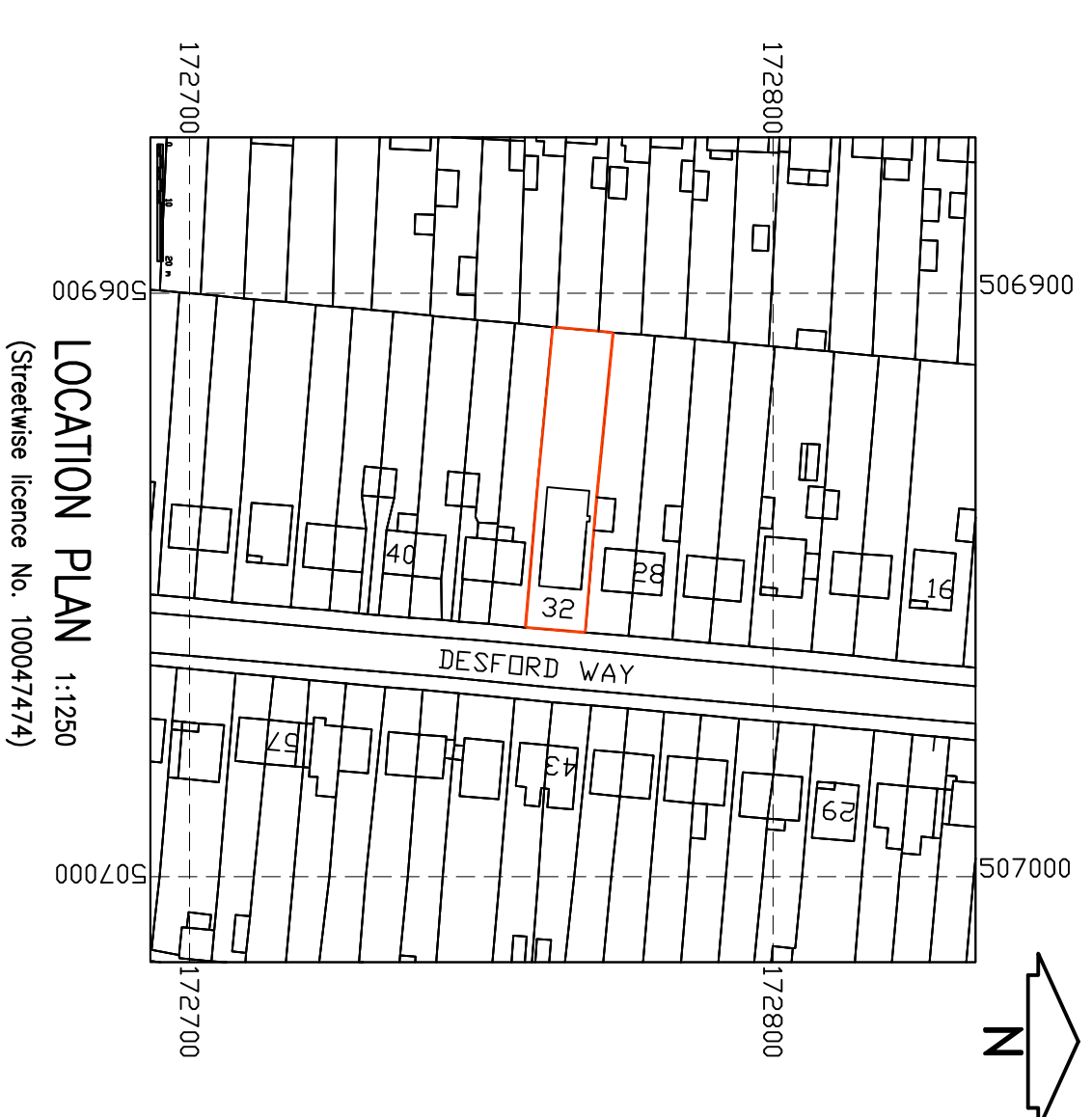
EXISTING SIDE ELEVATION 1:100



EXISTING GROUND FLOOR 1:50



EXISTING SITE PLAN 1:200



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

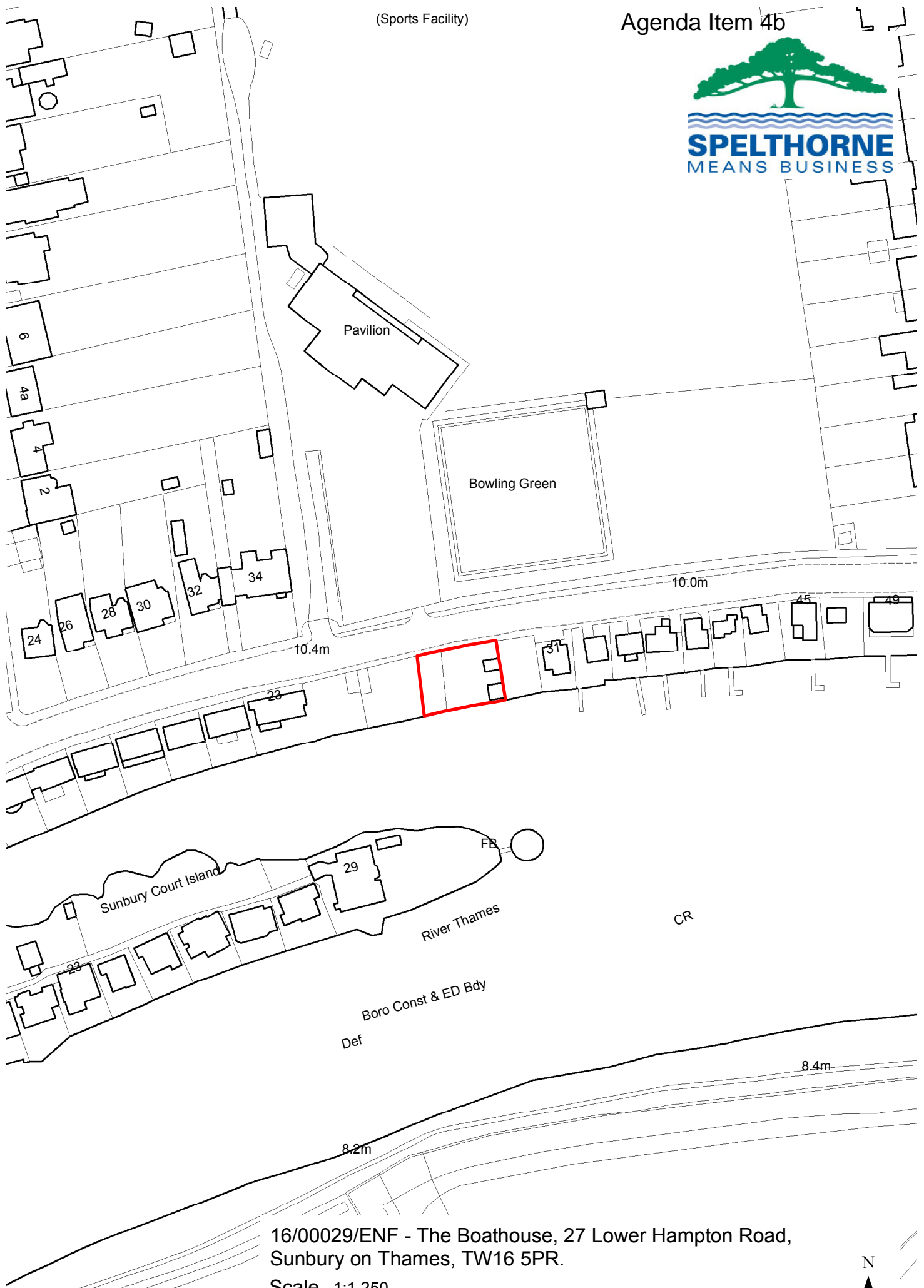
ajit design services ltd
9 queensway, sunbury-on-thames,
middlesex, TW16 6NA
t: 01932 782943
m: 07973 419204
e: info@ajit-design.co.uk
www.ajit-design.co.uk

PLANNING SUBMISSION

Address
32 DESFORD WAY,
ASHFORD,
TW15 3AT

Title
EXISTING HMO

Dwg. No. DW/32/11	Revision:
Scale: 1:50, 1:100 & 1:1250 @ A1	Date: MAR '18
0m 1m 2m 4m 1:100 6m 8m 10m	
0m 1m 2m 1:50 3m 4m 5m	



16/00029/ENF - The Boathouse, 27 Lower Hampton Road,
Sunbury on Thames, TW16 5PR.

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Planning Committee

27 June 2018



Application No	16/00029/ENF		
Site Address	The Boathouse, 27 Lower Hampton Road, Sunbury on Thames, TW16 5PR		
Report Author	Liz McNulty		
Cabinet Member	Not applicable	Confidential	No
Ward	Sunbury East		
Recommendations	Enforcement Notice to be issued.		
Reason for Recommendation	Unauthorised siting of houseboat/mobile home for residential use within the Green Belt and Floodplain		

1. Background

- 1.1 The site is comprised of a plot of land adjacent to the River Thames on Lower Hampton Road, Sunbury on Thames. The land is located within the approved Green Belt. To the south is the River Thames and Sunbury Court Island. To the north is a bowling green. To the east and west are similar green belt sites used for leisure and the mooring of boats. The southern half of the site is within a 1:20 flood zone, the north western part a 1:100 flood zone and the north eastern part a 1:1000 flood zone.
- 1.2 It was brought to the attention of the planning department in January 2016 that there was planned development on the land when the owner made an enquiry regarding the construction of a replacement houseboat for a pre-existing houseboat moored adjacent to the site. The owner was advised that he could build a replacement houseboat provided that the new houseboat would only remain temporarily on the land.
- 1.3 The site contains a couple of outbuildings which have planning permission for non-residential use. The site contains a mooring which has planning permission to moor one boat.

2. Development Plan

- 2.1 Within the green belt and within 1:20, 1:100 and 1:1000 flood zones.

3. Relevant Planning History

SPE/FUL/89/1018	Incorporate land as a residential mooring (as shown on plans submitted 8 January 1990).	Grant Unconditional 30.05.1990
SPE/FUL/89/341	Erection of a conservatory measuring 3.0 m (9 ft 8 ins) by 2.0 m (6 ft 6 ins) and a 'lean to' garden store (as shown on Drawing No. 01).	Grant Unconditional 23.08.1989
SUN/FUL/6198/D	Continued use of a Chalet for storage of Boats etc.	Grant Conditional 10.07.1972
SUN/FUL/6198/E	20ft. x 14ft. building for leisure purposes.	Refused 10.10.1972
SUN/OUT/6198/C	A leisure House with storage under.	Refused 03.05.1972
SUN/FUL/6198/A	Continued use of chalet for storage of boats etc.	Grant Conditional 14.07.1969
SUN/FUL/6198/A	Continued use of chalet type hut for storage of boats etc.	Grant Conditional 14.06.1966
SUN/FUL/6198A/B	Continued use of chalet type hut for storage of boats, etc.	Grant Conditional 08.07.1963
SUN/FUL/6198	Erection of a wooden chalet.	Grant Conditional 14.05.1960
SUN/FUL/6199/A	Erection of boat store and summer house.	Grant Conditional 14.05.1960

4. Details of Complaints and Unauthorised Development

- 4.1 Multiple complaints were received in May 2016 and March 2017. The complaints are detailed below:

Breach	Start Date	Status
Unlawful siting of a houseboat on the land	Reported May 2016 and March 2017	The owner is building a new houseboat to replace an old houseboat that was lawfully moored adjacent to the site but is now at the end of life and has been removed from the mooring. The owner has been living in the outbuilding on the site since Spring 2017 and using the facilities of the kitchen and living room of the houseboat currently under construction on the land. Within the last month the owner has ceased using the outbuilding for habitable accommodation and has borrowed another houseboat to moor lawfully adjacent to the site to live in until his houseboat under construction on the land is completed.

- 4.2 Following the receipt of the enquiry regarding a replacement houseboat on this site, the owner was advised that if the proposed works were temporary and involved the construction of a boat that on completion will be located on the water, planning permission would not be required. This advice was given on the understanding that the new houseboat when completed would be placed onto the water and the existing houseboat removed. Two houseboats moored at the site at the same time is not permitted. No permanent structures or buildings placed on the land are permitted.
- 4.3 After multiple site visits by the Planning Enforcement Officer and responses given to a Planning Contravention Notice (PCN) the following has been ascertained: The houseboat/mobile home under construction on the land is currently being used as a 'living space' with use of a living room and kitchen area. This is shown as A on the attached map. The bedroom and bathroom is yet to be completed. The approximate location of the houseboat/mobile home is shaded in red and labelled 'A' on the attached GIS map.
- 4.4 The owner has confirmed that he and his wife were sleeping in an existing outbuilding on the land (which has a toilet) that does not have permission to be used as a dwelling house. This is shown as B on the attached map and shaded in black. However, after another site visit on 18 May 2018 they now have borrowed another houseboat in addition to the houseboat currently under construction on the land and moored the houseboat on the river for sleeping accommodation. This is shown as 'C' on the attached map and shaded in blue. They are no longer using the outbuilding for this purpose.
- 4.5 The position now is that there is a lawful houseboat on the river and one unauthorised houseboat/mobile home currently under construction on the land. Only one houseboat is permitted.

5. Planning Issues

- Flooding
- Green Belt
- Human Rights

6. Planning Considerations

Flooding

- 6.1 The houseboat/mobile home is currently located on the south western part of the site which is in the functional flood zone of 1:20, the highest flood risk zone where new development will only permit water compatible uses. These are areas of fast flowing floodwater in major flood events where there are particular risks to people and property. Whilst a boat would obviously be acceptable on the functional floodplain, the current structure is not yet watertight and therefore would be a risk in a flooding situation. In addition the structure reduces the flood storage capacity and impedes the flow of flood water. In these respects, there is a flooding objection to this development which is contrary to the NPPF and local plan policy LO1.
- 6.2 Section 10 of the National Planning Policy Framework (NPPF) sets out the Government's policy in respect of the challenge of climate change, flooding and coastal change. The NPPF states:

***Para 100.** "Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk..."*

***Para 103.** "...local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where... it can be demonstrated that within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location;"*

- 6.3 Policy LO1 of the Council's Core Strategy and Policies Development Plan Document (Adopted 26 February 2009) also confirms this. This states that the Council will seek to reduce flood risk and its adverse effects on people and property in Spelthorne by:
- c) *"maintaining 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."*
 - d) *"maintaining 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."*
 - e) *"not permitting residential development or change of use or other 'more vulnerable' uses within Zone 3a or 'highly vulnerable uses' within Zone 2 where flood risks cannot be overcome."*

Green Belt

- 6.4 The site lies within the Green Belt. Section 9 of the National Planning Policy Framework (NPPF) 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. The NPPF sets out certain developments which are appropriate within the green belt including appropriate facilities for outdoor sport and outdoor recreation and buildings for agriculture. The provision of a houseboat/mobile home on the land does not fall into the category of appropriate development and consequently represents inappropriate development within the Green Belt. This is, by definition harmful to the openness of the Green Belt and should only be approved in very special circumstances. There are no very special circumstances to justify this development which also causes harm associated with the flood plain. Consequently it is contrary to Green Belt policy.
- 6.5 Section 9 of the National Planning Policy Framework (NPPF) sets out the Government's policy in respect of protecting Green Belt land. The NPPF states:

***Para 79.** "...the essential characteristics of Green Belts are their openness and their permanence."*

***Para 87.** "...inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances."*

- 6.6 The siting of a houseboat/mobile home on Green Belt land is considered inappropriate as no special circumstances exist.
- 6.7 The Council's local saved policy GB1 also confirms this:
- (GB1)** "...development will not be permitted except for uses appropriate to the Green Belt."*
- 6.8 The development of a houseboat on the Green Belt is not listed as appropriate use of the Green Belt.

Human Rights

- 6.9 The building has been in use as an unauthorised residential dwelling and provisions of the European Convention on Human Rights such as Article 1 of the First Protocol, Article 8 and Article 14, are relevant when considering enforcement action. There is a clear public interest in enforcing planning law and planning regulation in a proportionate way. In deciding whether enforcement action is taken, local planning authorities should, where relevant, have regard to the potential impact on the health, housing needs and welfare of those affected by the proposed action, and those who are affected by a breach of planning control. In view of the need to enforce planning law for the public good, it is not considered that this would contravene the Human Rights Act. Given the harm caused to the Green Belt and Flood Plain and given that the Planning Enforcement Officer has taken a very reasonable approach in allowing the owners sufficient time to complete the construction works, it is considered to be expedient to take enforcement action against this development.

7. Recommendations

- 7.1 That an Enforcement Notice be issued to secure the removal of unauthorised houseboat/mobile home
- 7.2 Such Notice to be complied with within 6 months of it taking effect.

8. Reasons for Serving of Notice

- 8.1 The houseboat/mobile home represents inappropriate development within the Green Belt for which there are no very special circumstances. The development reduces the openness of the Green Belt thereby causing unacceptable harm. The development is, therefore, contrary to Saved Local Plan Policy GB1 and Section 9 (Protecting Green Belt Land) of the NPPF.
- 8.2 The development is located within the flood plain where new residential development is precluded in order to protect people and property which are at particular risk in major flood events. The development reduces flood storage capacity and impedes the flow of flood water. The development is, therefore, contrary to Policy LO1 of the Core Strategy and Policies DPD 2009.

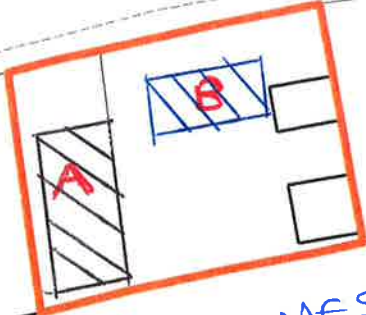
9. Steps Required to be Taken

- 9.1 Remove from the land the houseboat/mobile home
- 9.2 Cease use of the land for residential purposes
- 9.3 Remove from the land all building debris and rubbish associated with the unauthorised use and in compliance with 1 and 2 above.

Bowling Green

10.4m

RIVER THAMES



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The Boathouse 27 Lower Hampton Road Sunbury On Thames TW16 5PR.
Scale 1:500

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